



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, FIRST SESSION

Vol. 155

WASHINGTON, THURSDAY, JANUARY 15, 2009

No. 9

House of Representatives

The House met at 10 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer: Lord, with the ancient scripture, You advise the Members of Congress today. Wisdom from the book of Sirach may address personal values as well as national economics.

"Good and evil, life and death, poverty and wealth are all from the Lord.

"Wisdom and understanding, the knowledge of human affairs, the depths of love, and the path of virtue all come from the Lord.

"Error and vacuous darkness were formed in the sinner from the day of birth; and evil grows as the evildoer ages.

"But the Lord's gift remains with the just; blessing brings continual success.

"Someone may become rich through a miser's life, and this is all he has as off-counted reward."

When he says, "I can rest now; I need only feast on my possessions," he does not know how long it will be till he dies and leaves everything to others.

My child, hold fast to your duty; busy yourself with it. Grow in age and wisdom, doing your task. Admire not how sinners live, but trust in the Lord and wait for His light. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from Ohio (Ms. KAPTUR) come forward and lead the House in the Pledge of Allegiance.

Ms. KAPTUR led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Repub-

lic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to five 1-minutes on each side of the aisle.

THE HUMANITARIAN DISASTER IN GAZA

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. The attack on the U.N. headquarters in Gaza is further proof that a post legal era in world affairs has taken shape where law and moral principles are irrelevant—where might makes right, where retribution and vengeance, even against innocent children, fails to shake us from moral lethargy or political paralysis. Collected punishment is a proportionate use of force. Using U.S. planes, helicopters and ammunitions to attack a wounded, starved and thirsty population of mostly children trapped in a box called "Gaza" has become acceptable, perhaps because we've already accepted the deaths of over 1 million innocent civilians in Iraq in a war based on lies.

There is a way out. We must ask those who were given our armaments for defense to stop the aggression and the blockade and the occupation and reconnect with the high sentiments that rallied their own suffering, wounded people of a nation generations ago.

When we recognize the humanitarian disaster in Gaza, when we come to grips with the reality of suffering on both sides, we may yet find a way to save ourselves.

"BANK ROBBERY?"

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, oh, how things have changed. Time was, when you borrowed money from a bank, the bank wanted to know what the money was going to be used for, and you were required to fill out a bunch of forms to receive that money.

Now the big banks have shown up, wanting \$350 billion from the taxpayer. They won't tell us what they will use the money for, and they haven't filled out any paperwork to justify receiving more taxpayer money. You see, they don't want the same standards they require on borrowers to be applied to them when they want money.

It used to be the bad guys robbed the banks. Now it appears that the banks are the bad guys by putting a financial gun to the people, saying, "Give us the loot or you're all going to die economically."

It's like bank robbery in reverse. It seems like the big banking boys' gang is robbing the people. We call all of this nonsense a bailout, but bailouts have not helped stimulate the economy. Why don't we just say, "No"? No more money to special interest groups. No more taxpayer money will be spent without accountability. No more spending money we don't have. We cannot spend, borrow and tax our way out of this economic calamity.

And that's just the way it is.

THE SECOND ROUND OF THE BAILOUT MISTAKE

(Ms. KAPTUR asked and was given permission to address the House for 1 minute.)

Ms. KAPTUR. Mr. Speaker, the second half of the Wall Street bailout is being jammed at this House today—again, with a cursory review by the committees that should be meeting

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



Printed on recycled paper.

H327

their constitutional responsibilities. I have a simple question:

Why would any Member trust the very same group who engineered the first bill to do it to America again?

That first bill has not worked. It has made the foreclosure crisis worse, which is at the heart of what is wrong with this economy. Yet Wall Street was handsomely showered with taxpayer billions, and they then thumbed their noses at Main Streets across this country.

I wouldn't expect anything from Treasury in the way of sensitivity to regular folks. Its job is to sell U.S. debt on Wall Street and to collect taxes. They're not designed to do real estate lending or housing workouts or real estate accounting. That's the job of the FDIC, of the SEC and of HUD. They should be in the lead in the mortgage workout process. And frankly, we ought to quadruple the number of financial crimes analysts at the FBI.

I repeat: Why would Congress allow itself to be hoodwinked not once but twice into making the same big mistake? I urge my colleagues to vote no on the second Wall Street bailout bill. Instead let's do what works for the American people by solving the home foreclosure crisis first.

HONORING THE LIFE OF ROY BOEHM

(Mr. ROONEY asked and was given permission to address the House for 1 minute.)

Mr. ROONEY. Mr. Speaker, I rise today to honor the life of Roy Boehm, a true American hero and a longtime constituent of Punta Gorda, Florida.

Mr. Boehm was a retired Navy lieutenant commander, and was the first officer in charge of SEAL Team 2, one of the original Navy SEAL teams. Many would say that he was the first Navy SEAL.

Lieutenant Commander Boehm enlisted in the Navy in 1941, and fought during World War II, Korea and Vietnam. In 1942, he participated in the Battle of Cape Esperance at Guadalcanal, one of the largest, all-surface sea engagements of World War II. In 1961, under orders from President Kennedy, Lieutenant Commander Boehm developed and launched the Navy's elite Sea, Air and Land forces unit known as the SEALs.

Our Nation is grateful for Lieutenant Commander Boehm's service. Lieutenant Commander Roy Boehm set the standards for the Navy SEALs of today, and he will truly be missed. On behalf of all of the men and women who wear or who have worn the uniform, I say thank you for your service.

TARP REFORM

(Mr. HALL of New York asked and was given permission to address the House for 1 minute.)

Mr. HALL of New York. Mr. Speaker, the House approved the \$700 billion financial rescue package last October only under the condition that banks would be accountable and that taxpayers would know what the banks did

with the money. We all know that that hasn't happened.

The Bush administration and the Treasury Secretary never held up their end of the deal. They've ignored the measures Congress put in the package to protect the taxpayers. The result: blank checks to big banks and nothing to protect middle class families from foreclosures.

Today, the House is going to vote to change this and will strengthen oversight on what the banks and the administration are doing with the funds. The taxpayers have the right to finally know exactly how their money was spent.

ALLEN HIGH SCHOOL FOOTBALL WINS CHAMPIONSHIP

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. I want to talk about a high school champion. I rise to congratulate the 2008 state champions of Texas high school football—the Blue and White Allen Eagles.

Last month, the Allen Eagles defeated Fort Bend Hightower 21 to 14 in a stunning second half comeback to win the Texas 5-A football championship in Houston's Reliant Stadium. The crowd went wild!

Under head coach Tom Westerberg, the Eagles' football program has thrived with stellar seasons in '07, '06 and '05 as well.

I will insert the names of the top coaches into the RECORD.

There is a special story about this team. Each spring, the rising seniors pick a motto for the upcoming season. The players selected: Start strong. Finish strong.

Congratulations to the Allen Eagles. Way to finish strong. I salute you. God bless you, and God bless America.

Go Eagles!

Tom Westerberg, Head Coach, Asst. Athletic Director.

Terry Gambill, Asst. Head Coach, Defensive Coordinator.

Jeff Fleener, Offensive Coordinator.

Jeff Chaney, Special Teams Coordinator.

Mike Carter, Strength Coordinator.

BLOCK THE NEXT CONGRESSIONAL PAY RAISE

(Mr. MITCHELL asked and was given permission to address the House for 1 minute.)

Mr. MITCHELL. Mr. Speaker, I rise to urge my colleagues to block the next scheduled congressional pay raise. At a time when the economy is forcing so many of the families we represent to tighten their belts, I believe this is the wrong time to be raising our own pay.

Last month, 524,000 Americans lost their jobs, bringing the unemployment rate to its highest since 1993. Since last year, jobless rates increased in 49 States and in the District of Columbia. In my home State of Arizona, unemployment rose by over 50 percent, leaving nearly 200,000 workers unemployed.

Last week, I introduced House Resolution 156, with Representative PAUL of Texas, to stop the next automatic congressional pay raise from taking effect next year. As of this morning, we have been joined by 77 cosponsors—Republicans and Democrats.

Our Nation is at war. Our economy is reeling. The American people aren't getting a pay raise. We shouldn't either. I will be donating my 2009 pay raise to charity just as I did with the 2008 pay raise.

I urge my colleagues to join our growing coalition and to support the Stop the Congressional Pay Raise Act.

REJECT THE BAILOUT

(Mr. PAULSEN asked and was given permission to address the House for 1 minute.)

Mr. PAULSEN. Mr. Speaker, the definition of "insanity" is doing the same thing over and over again and expecting different results.

Three months ago, Congress rushed to spend \$350 billion of taxpayer dollars without adequate hearings and deliberation. The result was a lack of transparency and accountability, a disappointment in how the massive funds were spent and a bloated Federal budget deficit. But here we go again. This Congress is now proposing to do the exact same thing.

Another \$350 billion bailout is not the answer my constituents are looking for. The people in my district in Minnesota are struggling to make ends meet, and they're worried about the future. We must take concrete steps to jump-start our economy and put people back to work. It's time to stop exposing taxpayers to any more undue risk. It's time to stop saddling them with unnecessary debt.

Mr. Speaker, Congress should reject another \$350 billion bailout, and instead, it should focus on preserving, protecting and creating jobs to get our economy going again.

MILITARY PERSONNEL

(Mr. NYE asked and was given permission to address the House for 1 minute.)

Mr. NYE. Mr. Speaker, for most of the past 12 years, I have traveled all over the world with the Foreign Service. In places like Kosovo, Afghanistan and Iraq, I had the honor to serve alongside the brave men and women of our Armed Forces.

It is now my honor to be here as the Representative of Virginia's Second Congressional District—to represent the people of Hampton Roads and the Eastern Shore—and to represent our military personnel and their families.

We have very important work ahead of us—strengthening the economy, restoring fiscal responsibility and standing up for the families who are working

every day to make a better life for the next generation.

While we're doing that, we must always remember that we still have people over there—we're fighting two wars—and as we face new threats, we must maintain a strong military, and we must fully support our troops in harm's way.

Mr. Speaker, our military personnel and their families ask nothing more, and they deserve nothing less than the same level of care and devotion that they have shown our country. This is not a partisan issue. It is a basic American value, and it is a value I will champion every day as a Member of Congress.

□ 1015

A DIFFERENT STIMULUS

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, I rise today in support of legislation with a proven record of stimulating the economy and creating jobs.

Members of the Republican Study Committee have introduced the Economic Recovery and Middle-Class Tax Relief Act, legislation that is fiscally responsible and one that will stimulate job growth in the private sector rather than the Federal Government. This package includes tax relief for American families, businesses, and entrepreneurs. It allows businesses to expense the purchase of assets which will encourage growth and job creation.

This job does not threaten American families with hyper-inflation or saddle future generations with evermore debt with hundreds of billions of dollars in spending.

I encourage my colleagues on both sides of the aisle to consider these proposals. These are proposals that will address the economic downturn and will not demand government spending. We should remember that Jerry Bellune of the Lexington County Chronicle is correct: This is the people's money, not the government's.

In conclusion, God bless our troops, and we will never forget September the 11th.

TARP REFORM AND ACCOUNTABILITY ACT OF 2009

Mr. McGOVERN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 62 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 62

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII declare the House resolved into the Committee of the Whole House on the state of the Union for further consideration of the bill (H.R. 384) to reform the Troubled Assets Relief Program

of the Secretary of the Treasury and ensure accountability under such Program. No further general debate shall be in order. The bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. All points of order against provisions in the bill are waived. Notwithstanding clause 11 of rule XVIII, no amendment to the bill shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and any amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. A motion to proceed under section 115 of the Emergency Economic Stabilization Act of 2008—

(a) shall be in order only if offered by the Majority Leader or his designee; and

(b) may be offered even following the sixth day specified in subsection (d)(3) of such section but not later than the legislative day of January 22, 2009.

The SPEAKER pro tempore (Mr. ROSS). The gentleman from Massachusetts is recognized for 1 hour.

Mr. McGOVERN. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from California (Mr. DREIER). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. McGOVERN. Mr. Speaker, I also ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 62.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. McGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 62 provides for further consideration of H.R. 384, the Troubled Assets Recovery Program Reform Act of 2009 under a structured rule. The rule makes in order the 11 amendments printed in the Rules Committee report, including a manager's amendment that incorporated many of the amendments submitted to the Rules Committee. All the amendments are debatable for 10 minutes except the manager's amendment, which is debatable for 40 minutes.

The rule also provides for a motion to recommit with or without instructions.

Finally, the rule contains a provision to preserve the House's ability to have a vote on the second \$350 billion. The first TARP bill contained language

providing for expedited consideration a disapproval resolution that provided for a vote not later than 6 days after the date Congress receives the report.

However, because President Bush sent the request to Congress on January 12, the 6th day would fall on a Sunday, a day that the House is not in session. Therefore, the ability to move to proceed would expire without giving the House an opportunity to act. The language in this rule assures that the House will have that opportunity.

Mr. Speaker, let me begin by saying that this is a good rule. Eleven amendments are made in order—five Republican and six Democratic. One of the Democratic amendments is the manager's amendment which incorporates parts or all of the 16 Democratic amendments and Republican amendments.

Mr. Speaker, as I discussed yesterday, this bill is about the way the TARP should be spent, but it does not actually allow or preclude the release of the second round of these funds.

Now, I know many of my colleagues are apprehensive about the release of these funds. I understand their concerns, and I share some of them. The Bush administration did not disburse the funds as many of us thought they promised. I believe that this bill that we are debating today and the amendments should alleviate many of these concerns.

I believe that providing a blueprint for how these funds should be spent is one of the most important actions this Congress will take. We know jump-starting our economy is a top priority of this new administration and of this Congress. But we have to do it right. We must ensure that the funding goes to the right places—to the homeowners who face foreclosure, in many cases at no fault of their own, and the small businesses who don't have access to funds for their payrolls simply because the credit market is so tight.

This bill, Mr. Speaker, attempts to get it right. Not only does this bill provide a blueprint on how this House believes these funds should be spent; it complements the roadmap already provided by President-elect Obama about how his administration would use these funds.

The January 12, 2009, letter from National Economic Adviser-designate Larry Summers details how the incoming Obama administration will allocate these funds, and I support these goals. But like I said yesterday, Mr. Speaker, we will trust the new administration, but we need to also verify.

This is a good bill that will be made better with the adoption of many of the amendments made in order under this rule. I support this rule, I support the underlying bill, and I urge my colleagues to support both the rule and the bill.

I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I yield myself such time as I might consume. (Mr. DREIER asked and was given permission to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, I want to begin by expressing my appreciation to my good friend from Worcester, the distinguished vice chairman of the Committee on Rules, Mr. MCGOVERN, for yielding me the time, the customary 30 minutes.

And I would also like to say in response to the exchange that Mr. MCGOVERN and I had yesterday, that I am more than willing and happy to yield at any time if he asks me to yield to him during debate. Yesterday, he was very reluctant to. One of the things that has troubled me is that as we deal with this and other issues, people begin with prepared statements, but as we get into a period of time during which I believe this institution should have a free-flowing debate, the option of yielding is one which should be taken up as much as possible. That's my perspective, and I understand the right of individuals not to yield, but I will say that I'm happy to yield to individuals at any point.

At this point, I'm happy to yield to my distinguished friend.

Mr. MCGOVERN. I thank the gentleman.

If I recall correctly, I did yield to the gentleman once. What I objected to was being interrupted in mid-sentence. But I will be happy to yield to the gentleman for a discourse at any time.

Thank you.

Mr. DREIER. If I can reclaim my time, I will simply say that I look forward to yielding when we're having an exchange as we proceed with the 111th Congress. And I always want to, as I believe this institution deserves, to encourage a free-flowing debate on a wide range of issues.

Today actually, interestingly enough, Mr. Speaker, marks the first time, the first time in the 111th Congress—and we've gone through quite a bit of legislation in the last week—that we are not dealing with a completely closed rule. But this process has been so utterly flawed that this rule simply exposes just how far we have to go rather than standing out as a step in the right direction.

The most serious problem is that the underlying bill is not a product of any semblance of order whatsoever. No hearings, no testimony, no markups. Now, anyone who looks at how a bill becomes a law, they understand that the process of hearings, testimony, markup, that's all part of the process. There has been absolutely no opportunity for any of that. No opportunity for scrutiny whatsoever as this bill was written.

This has continued into this amendment process. While I appreciate the fact that the Democratic majority has actually considered amendments for the first time, we're still left guessing as to what is actually in this bill.

Most of the amendments that have been accepted will never even be debated here on the House floor. They'll not be individually considered in a transparent way. And one of the great

statements of the many statements made by President-elect Obama—and we all look forward in 5 days to his inauguration—is that he regularly talks about the need for transparency. Well, a measure that we're about to consider under this so-called manager's amendment will not allow the kind of transparency that Mr. Obama believes should be the case.

These amendments were simply added en masse into this one amendment. The point of considering amendments, Mr. Speaker, is not just to have the opportunity to improve legislation. It is also meant to be an opportunity for debate. It's a chance for Democratic and Republican Members alike, not to mention the American people, to examine the key components of a bill and have a real debate.

Unfortunately, this rule simply perpetuates a very flawed process, protects a flawed bill, and prevents the real scrutiny that is very, very deserving on the way in which this \$350 billion, taxpayer dollars, will be spent.

The Troubled Assets Recovery Program Reform Act, the so-called TARP, has itself become quite troubled. As we've heard in yesterday's discussion, we have serious concerns for how this program has been implemented. We can't begin to consider the wisdom of releasing another \$350 billion until we understand how the initial money was used. And we cannot begin to consider a bill to fix the system until we understand what exactly this bill does. These are obligations we should take seriously.

In the meantime, there are a number of far more limited and targeted proposals that could easily be considered and enacted to address the economic challenges we are facing.

Our colleagues on both sides of the aisle have proposed a number of ideas for restoring our economy. They have suggested options that don't pick winners and losers and don't ask the taxpayers to pay for an unaccountable program.

□ 1030

One proposal that I've advocated is a tax credit for new home purchases that are made with a down payment of at least 5 percent.

The housing industry has been at the center of our economic crisis from the beginning. It remains the core impediment to our economic recovery. As home prices have fallen and foreclosures have risen, the impact on working families has been enormous and the impact on our economy has been, as we all know, very widespread. By encouraging and enabling responsible home purchases, we can start to clear out the excess supply in the housing market. This will help to stabilize prices, prevent foreclosures, and put us back on a path to economic recovery.

Now, I don't believe that this proposal that I've outlined and have been talking about for the last couple of weeks is a panacea, but it is a targeted

measure that would help to address a key economic challenge that we face.

Now, I would have offered my proposals and amendment to the underlying bill, but it was not germane to the measure. But Mr. Speaker, the point that I'm making is that there are many other creative ideas out there that I believe should be given full consideration. Unfortunately, we are spending our time on a bill that its own author—I see the distinguished chairman of the Committee on Financial Services has joined us here—has indicated will not be enacted into law. The Democratic majority is merely concerned with providing what I consider to be a fig leaf for the impending vote that we're going to face to release this additional \$350 billion.

The underlying bill will not safeguard the taxpayers' money and it will not ensure that we have the proper tools to restore our economy. I urge my colleagues to oppose this rule and the underlying legislation.

With that, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I just want to set the record straight. It is incorrect to say that there have been no hearings on this measure. In fact, the Financial Services Committee on Tuesday held a hearing—I think it began at around two o'clock in the afternoon and went into the evening. So there has been a hearing in the committee of jurisdiction on this.

At this time, I would like to yield 4 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. I thank my colleague. And we've had several hearings on this subject.

Again, the timetable here has been forced by the bill we adopted last fall with the support of the Republican leadership and the President as well as the Democratic leadership. And as a concession to Members, we put in there that once the President asked for the second \$350 billion it would trigger a 15-day period in which we had to act. And we believe it's important for the House to make clear what it wants to do here during that period. But we've been having hearings on this since the fall.

We put into the bill last fall some good oversight. The Government Accountability Office put out a report last year very critical of the failure to demand that the financial institutions that received funds make clear what they were doing with them, and particularly to show to what extent they were re-lending. That was because we put into the bill that the GAO would be there from the first day in their offices. We had a hearing with Mr. Kashkari, the Bush appointee to run the program, and the GAO to deal with it. We had a further hearing on this subject in the fall. We then had the long hearing that the gentleman from Massachusetts talked about earlier this week to go into this in great detail on Monday.

We have invited all Members as of Friday to submit amendments. A number of Members did so. In fact, I thank the Rules Committee; they have put 10 amendments in order—one was a duplicate, so 10 are in order, five from Republicans, five from Democrats. Of the Republican amendments, I intend to vote for two; I intend to vote against three. There were also amendments that we received from some Republicans that we agreed to put in the manager's amendment.

The question is simply this, and it's two-fold: First, on the broader question that's not before us today, do we deny to President Obama a set of tools that this Congress voted for last fall because a great majority of Members on both sides think that the Bush administration used them poorly? If someone drives a car badly, do you sequester the car and deny it to someone else who wants to drive it?

The TARP is not some living organism with a mind of its own. It is a set of policy tools. A newly elected President has asked that he be allowed to implement those tools. We say yes, but—and we are asking for some serious commitments about how it's done. So that's the first point.

The second point is that this money, whether or not it is spent, will be in a separate vote. And the ranking Republican said yesterday, well, let's wait for them to tell us how they plan to spend it. No, I don't think we should do that. I think we should tell them how we want them to spend it and see if they agree. And we have been having conversations, and they do agree.

We are talking about subjects that have been very familiar to Members. We are here trying to remedy defects in the Bush administration's execution of this program—nothing for foreclosures, not enough for community banks, no restrictions on what the banks that receive the money use, tougher restrictions on compensation—though I know not everybody agrees with that. The Wall Street Journal Editorial Board—which I know represents the viewpoint of many on the Republican side—was very critical today because we are asking that money be used to reduce foreclosures; they say that's a waste of money. They were scoffing, the Wall Street Journal—and again, I think that editorial reflects some of the opposition we have here—they scoffed at the notion that we want community banks to get some of the money. And they said, how can you possibly want the money to go to nonfinancial institutions? I guess the Wall Street Journal wants to be the "Wall-Street-Only Journal," and any effort to deal with small businesses or automobiles, that's somehow a profanation of the temple as far as they're concerned.

We have had serious discussions with the Obama administration. I believe it is important that we do two things: First of all, give the new President the right to spend the money; and, two, give him restrictions on how he spends it.

Mr. DREIER. Mr. Speaker, I yield myself such time as I might consume. And I would simply say to my colleague that we all recognize that there is a pressing need out there, and the issue of foreclosures is one that does need to be addressed. And I know that we had a discussion in the Rules Committee the night before last on the issue of—and this is prospective, as I had said earlier—but this notion of trying to encourage people, prospective homebuyers, to buy up that surplus of housing out there by incentivizing them to put a down payment. Now, I know that this is an issue that transcends what we're dealing with today—

Mr. FRANK of Massachusetts. Would the gentleman yield?

Mr. DREIER. I'm happy to yield to my friend.

Mr. FRANK of Massachusetts. I think there is a lot to be said, but it is, of course, entirely outside the jurisdiction of the Financial Services Committee.

Mr. DREIER. Absolutely. If I could reclaim my time, I will say that I know that it is outside the jurisdiction of the Financial Services Committee, but I think it is very important for us to do everything that we can to look at a broad range of creative proposals to try and deal with this crisis.

And I am happy to further yield to my friend.

Mr. FRANK of Massachusetts. I thank the gentleman. And I agree with that. And housing has been at the center. I would note—and it's not directly relevant, and may, in fact, support this other proposal—but I would note that the homebuilders and the realtors strongly support the bill we are talking about today because they think it helps in other ways. It does not preempt what the gentleman from California is talking about, but those people who are most concerned with the housing industry support the bill and think it will be helpful.

Mr. DREIER. I understand that. And let me reclaim my time, Mr. Speaker, and say that even though it does not fall within the jurisdiction of the Financial Services Committee, this kind of proposal is something that I would like to work with my colleague on and others on as a way to deal with the challenge of this huge supply of housing that exists in my State of California and in other States as well. And the fact that, unfortunately, over the past several years we have seen a wide range of people treating homes that they have purchased like rental units because they put zero down and have very low interest payments, and so they're encouraged to walk away from it, our proposal here is one that is designed to ensure that people actually have a vested interest in that home.

And with that, I'm happy to yield 2 minutes to my very good friend from Hayes, Kansas (Mr. MORAN).

Mr. MORAN of Kansas. I thank the gentleman from California for yielding.

I am here about a specific provision that was initially in the legislation

that we are going to address today. In fact, I came to that realization over the weekend and I contacted the gentleman from Massachusetts (Mr. FRANK), who was kind enough to return my phone call this past weekend. And as a result of an effort by many in this Congress, this provision has been removed. And I am here to commend the gentleman from Massachusetts and my colleagues on the Rules Committee for making in order a manager's amendment that will eliminate a provision that denies the opportunity for those who receive funds under TARP from owning general aviation aircraft.

Mr. FRANK of Massachusetts. Would the gentleman yield?

Mr. MORAN of Kansas. I have very little time, but I would yield.

Mr. FRANK of Massachusetts. I just want to congratulate him and his fellow Kansans and others who brought this to our attention.

And let's make one thing clear; we recently read—I did—in the New York Times about smaller communities that have lost commercial air service. To tell a business which is located in a community that has lost commercial air service that it can never charter or buy a plane is really to invite them to leave those communities. So it is not simply the airline industry that's involved here, but it is economic fairness for small communities where businesses located there would have no other option if they aren't allowed to go to private aircraft.

Mr. MORAN of Kansas. Reclaiming my time. Again, I appreciate it for two reasons; a person who represents very rural America where air service is very limited, and someone who is from Kansas that represents the general aviation industry, which is very dominant. We are very appreciative of the fact that the provisions which would reduce employment in the aircraft industry and eliminate the opportunities for businesses to remain in rural America is stricken from this legislation in the manager's amendment.

Mr. MCGOVERN. I yield 3 minutes to the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. I thank the gentleman for yielding.

The bill is good as far as it goes, but before Congress thinks that we're done with the TARP program, we ought to be considering legislation to make it stronger and to provide additional limits.

First, and most important, we need to prohibit those companies that receive funds under this program from then paying dividends to their existing common shareholders or using their money to go buy the shares held by their existing shareholders. Why are we putting capital in if the company is then taking the capital out, and giving it to its existing shareholders? That needs to be prohibited by statute. At a minimum, I hope we get an unequivocal letter from the incoming administration that they will prevent such

transfers by regulation, and through other means.

Second, we need to make sure that if assets are purchased from the banks that were buying bad bonds, that such bonds were owned by American entities, including those with foreign parents, and that these bonds were owned by American entities on September 20, 2008, which is when the whole dam broke. What we don't want to do is see these monies go to buy bad bonds that were bad investments made in Shanghai and Riyadh and London.

Third, this bill under consideration, and the TARP bill, allows for Million-Dollar-a-Month salaries. We cannot go to the American people and say we have limited executive compensation except for the most common element of executive compensation, salaries. There ought to be a limit—and only on those companies, of course, that are holding taxpayer money. I say to those banks that want to pay more than a million a year, the banks that want to pay more than a million a month to some of their executives and say, fine, give us back the money first.

And finally, as to perks, one thing that the American people have focused on is the use of private executive jets. This bill says you cannot use those—you can't own them or lease them, at least—if your company is based in Detroit. But if you're a Wall Street bank, buy, lease, fly whatever you want. That is a strange anti-Detroit dichotomy. Why should we prohibit these luxury jets? Because we want them to give us the money back. We don't want every executive on Wall Street to come and take the TARP money and hold on to it as long as possible.

Second, we want to encourage jobs in the commercial aircraft industry, both the manufacture and operation of those Boeing jets and United and American Airlines. And finally, because when the banks spend the money on ridiculous perks, whether it be extreme limos or extreme jets, that's money they can't lend to businesses in our districts.

Mr. DREIER. Mr. Speaker, at this time I am happy to yield 3 minutes to our very diligent former Rules Committee member, the gentleman from Marietta, Georgia (Mr. GINGREY).

Mr. GINGREY of Georgia. I thank the gentleman for yielding.

I rise in opposition to this rule, which denies Members of this House an opportunity to have their amendments openly debated and given an up-or-down vote.

The amendment which I offered, which was not made in order, would have very simply prohibited any additional budget authority for the TARP program unless at least 30 percent of the final \$350 billion tranche is used to assist smaller, local community financial institutions. The 30 percent floor reflects the fact that approximately 30 percent of our Nation's deposits are held in these institutions, some 7,000 of them across the country.

Mr. Speaker, without question, these smaller institutions are suffering on

the front lines of a crisis that they did not create. However, they are uniquely positioned to help provide much-needed credit access to ordinary citizens looking to buy a car or buy a home or invest in a small business.

Allow me to give an example. With every dollar in new capital a community bank can raise, it will help facilitate an additional \$7 to \$10 of lending in their communities. So by guaranteeing an appropriate portion of TARP authority to community institutions, we can better ensure this capital will indeed be put to good use.

□ 1045

Mr. Speaker, when Congress first considered the economic stabilization package last fall, the most severe threat presented to us was across-the-board credit freeze that would have stopped all financial activity in its tracks. Well, we may have avoided a catastrophe on Wall Street, but now is the time to encourage lending and capital on Main Street. And while I am pleased to see the underlying bill recognizes that community financial institutions, including those that are privately thinly held or subchapter S should have are the same level of access to the program as larger institutions, H.R. 384 does not go far enough. We must address the current crisis from a systemic perspective, and my amendment, I believe, would have fostered meaningful participation from the smaller financial institutions which, after all, Mr. Speaker, are vital to the economic recovery of our Nation, our States, our congressional districts. They are the lifeblood.

I ask my colleagues to oppose the rule.

Mr. MCGOVERN. Mr. Speaker, I have no further requests for time.

Mr. DREIER. Will the gentleman yield so I might engage in a colloquy?

Mr. MCGOVERN. I would be happy to yield to the gentleman.

Mr. DREIER. I thank my friend for yielding.

Mr. Speaker, let me say that last night in the Rules Committee as this rule came forward, there was some concern voiced as to whether or not this rule may in some way preempt the opportunity for Members to, in fact, offer a resolution of disapproval to deal with this.

Section 2 of the rule relates to the consideration of the resolution to disapprove the last \$350 billion of TARP funds. Subsection b permits a Member to make a privileged motion to proceed on Wednesday, January 22, when it would normally only be available this coming Sunday. However, subsection a limits the motion to the majority leader rather than any Member.

I just want to confirm again with the gentleman from Massachusetts, just as we did last night in the Rules Committee, that the purpose of this provision is only, only to allow the majority leader to manage the day's schedule and will not in any way be used to deny

Members an up-or-down vote on releasing the remaining TARP funds.

And I thank my friend for yielding to me for the question and if he'd like to respond.

Mr. MCGOVERN. The gentleman is correct.

Mr. DREIER. Correct. Okay. I thank my friend for yielding on that.

Mr. MCGOVERN. Mr. Speaker, I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I would like to yield 1 minute to a very, very hardworking Member, a very senior Member from Indianapolis, Indiana (Mr. BURTON).

Mr. BURTON of Indiana. I thank the gentleman for yielding.

What does that mean, a "senior Member"? I hope it doesn't mean I look old.

Mr. DREIER. If the gentleman would yield, he's one term less senior than I.

Mr. BURTON of Indiana. All right.

Mr. Speaker, let me just say that Everett Dirksen, when he was a United States Senator, said, a billion here, a billion there, and you're really talking about money, real money. Now it's a trillion here, a trillion there, and you're talking about real money. The only problem is the American people are going to face hyperinflation down the road if we continue down this path.

Today we are talking about an additional \$350 billion, and we don't even know where the first \$350 billion of the bailout was spent. It makes no sense to me to be voting for this today when we really don't have any accountability for the first tranche, the \$350 billion that has already been allocated.

People in the stock market are taking a real bath. People who have investments, their life investments, in the stock market are taking a real bath. People who are going to retire or are already retired are taking a real bath.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DREIER. Mr. Speaker, at this time I am happy to yield to my friend from Indianapolis an additional 1 minute.

Mr. BURTON of Indiana. Mr. Speaker, it seems to me that the people who are having trouble in the stock market ought to start looking at places to invest like the ink that's being sold to the U.S. Treasury or the paper that's being sold to the U.S. Treasury that's going to be used to print more and more and more money.

I don't want to take the whole extra minute my colleague has allocated to me, and I really appreciate it, but I would like to say if I were talking to the President or the American people that we have to control spending in this place. We have to control spending. If we don't do that, we're going to see very high inflation which will be followed by very high interest rates, will put a real kibosh and a rubber band effect on our economy. The way to solve this problem is to give the American people some of their money

back with tax cuts and to cut capital gains.

So I would like to end up by just saying let's be more concerned about spending around here. Let's really start thinking about it. It's the people's money. The taxpayers want accountability.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

I would just respond to the gentleman by saying that what we are debating today is not about releasing money. There's no money attached to this bill. In fact, all this bill does really is set conditions on any money that may or may not be released. This bill also preserves this Chamber's right to have a vote on the release of the next TARP tranche.

Mr. DREIER. Will the gentleman yield?

Mr. MCGOVERN. I yield to the gentleman.

Mr. DREIER. I thank my friend for yielding.

And I have got to say that the notion that somehow the measure that we're trying to consider here today is not related to this idea of releasing, within this 15-day period, the additional \$350 billion is preposterous. It's clear that it's tied together.

Mr. MCGOVERN. Mr. Speaker, reclaiming my time, I thank the gentleman for his observation, but I didn't say that it was not related. The gentleman was talking about this bill as if today we're releasing this money.

What this bill does is set conditions. It makes it clear what Congress' intention is on how that money should be spent if it should be released. If the gentleman or anybody else in this Chamber wants to vote against releasing additional money, they will have that opportunity at a later date.

Mr. Speaker, I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, at this time I am happy to yield 5 minutes to our friend from Columbus, Indiana, the distinguished chairman of the Republican Conference (Mr. PENCE).

(Mr. PENCE asked and was given permission to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, I rise in opposition to the rule.

Mr. Speaker, we are in a recession. Many American families are hurting. Many millions more worry that they'll lose their job next. And it is important that this Congress, in legislation before us today, in the related legislation and in upcoming bills, take action. Inaction is not an option. But more important than just doing something, it is imperative that Congress, on behalf of the American people, do the right thing. And I rise today to say from my heart that the American people know we cannot borrow and spend and bail our way back to a growing economy.

This legislation, related as it is to the second half of the banking bailout that passed the Congress last fall, is the wrong approach. I opposed that leg-

islation last fall both times it came up because I believe that economic freedom means the freedom to succeed and the freedom to fail. The decision that Congress made to give the Federal Government the ability to nationalize almost every bad mortgage in America interrupted this basic truth. There were no easy answers at the time. But the American people deserved to know then and deserve to know now there are alternatives to massive government spending and bailouts.

We come today to consider legislation that, as the gentleman just stated, is preamble, if you will, to the TARP vote that may or may not come to this body, and I acknowledge that. But the truth is that it is all interrelated. And Congress and this body may soon be asked to approve and police the second \$350 billion installment to the financial markets in this country approved last fall, and we will be asked to do so under a new set of promises from a Congress in this legislation and a President, neither of which's sincerity do we question on this floor today, but it's a set of promises about oversight and promises that we'll spend the money better, and I rise today to say that there is just simply a better way.

Taxpayers should not be asked to pay another \$350 billion for a bailout that could be disbursed far beyond the original authorization of this Congress to undetermined industries in ways that we have seen used already for the initial tranche of this bill. House Republicans believe that enough is enough. We believe, as most Americans do, that we cannot borrow and spend and bail our way back to a growing economy.

The real answer that House Republicans embrace, and I believe that it is an answer that most Americans embrace, is that it is time for us to put the American taxpayer first. It's time for us to say "no" to more bailouts, however well additionally supervised, no more bailouts, no more excessive government spending. It's time this Congress began to reduce the burden of taxes on working families, small businesses, and family farms and began to practice the kind of fiscal discipline that the American people expect.

So I rise today in opposition to this rule and the underlying bill. And however well-intentioned, I believe it is, in effect, only preamble to legislation that could come to this floor that would be the wrong decision for the American people. The American people want us to walk away from the politics of bailouts, and they want us to take this country in the direction where we're not releasing the power of the Treasury to solve our very real economic woes but we are passing the kind of tax relief that will release the resources, the genius, the courage, and the ingenuity of the American people. As President John F. Kennedy said, all ships will then rise on a rising tide.

Mr. MCGOVERN. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I yield myself such time as I might consume simply to rise and compliment my friend from Columbus, our Republican Conference Chair, for his very thoughtful remarks on this issue. And I hope very much that we will be able to proceed with a strong and rigorous debate.

Unfortunately, Mr. Speaker, this rule does not allow us to have the kind of debate that I think this institution or the American people deserve, and I say that again reminding our friends that the so-called manager's amendment takes a huge package of amendments and does not allow the kind of transparency about which Mr. Obama has spoken because we won't have time to debate them. I guess there's, what, 40 minutes debate, 20 minutes on each side, to discuss all of the amendments that have been made in order and is I do not believe an adequate amount of time for us to go through the kind of detail that I think the American people deserve and that Members of this institution deserve.

Mr. Speaker, I will say I have been waiting patiently for one of our colleagues; so I just want him to know that I made an attempt to yield time to him. His name will not be mentioned at this point for fear that anyone might think that he was being derelict in his duties. I'm sure he is very, very busy.

Let me say that we are proceeding on an issue which I don't believe we should be dealing with at this moment. The reason I say that is that we have not had adequate hearings, we have not had adequate deliberation on this question, and there is acknowledgment from our friend the Chair of the Committee on Financial Services that the measure that we will be proceeding with will never become public law. It is being used as a consultative tool with the incoming administration. Needless to say, this is a somewhat unusual procedure that the House is going to deal with an issue that is not going to become public law, and as the House is looking at this, discussions are taking place with the administration.

□ 1100

It is unusual, to say the least. Now, I recognize that we are in near unprecedented times, and we need to deal responsibly with the economic downturn through which the United States of America and the world is now going. But I don't believe that we should be casting aside our responsibility as Members of this institution to do the right thing.

I think that the right thing for us is to actually spend the time and effort looking at creative solutions. At this moment, there is a hearing taking place among our Republican economic stimulus group. I was there earlier this morning. We have a couple of very thoughtful witnesses who I suspect are still testifying. The former Governor of Massachusetts and Presidential candidate, Mitt Romney; the former president and CEO of eBay, Meg Whitman,

were testifying just as I was leaving, and there are several other witnesses coming before this working group of which I am privileged to be a part.

There are lots of ideas that are coming to that hearing, not just from the witnesses, Mr. Speaker, but from the American people as well. Those are actually being voiced at that hearing.

So here we are, I believe, rushing ahead with legislation that is not going to become law and, quite possibly, allowing an additional \$350 billion to be expended on this very, very troubled, troubled asset relief plan. I, for one, believe it is wrong for us to do it as we are doing it.

So, Mr. Speaker, I urge my colleagues to vote "no" on this rule and to vote "no" on the underlying legislation.

With that, I yield back the balance of my time.

Mr. MCGOVERN. Mr. Speaker, the Bush economic policies over the 8 years have been a failure. They have been a miserable failure. We have an incredibly high number of people who have lost their jobs. December marked the second highest number of foreclosures in the history of the United States of America. We have the highest deficit and the highest debt in the history of our country.

Unless we do something, something big and something bold, the economy will get worse. We have the worst economy since the Great Depression.

People don't want to hear anymore speeches. People don't want to hear anymore excuses. The people of this country don't want us to stand on the House floor and say we feel your pain.

What people want is action and people want smart, bold, big, effective action by this Congress. What we are doing here today is trying to put forward in blueprint so if, in fact, anymore money is going to be released as part of the TARP, that it is clear where that money will be spent. We are not content to just take the next administrations at their word.

We want to make it very clear where Congress stands. This is a chance for people to decide. If you are for foreclosure relief, then you should be supporting the bill that Chairman FRANK has put forward. If that's not important to you, then you can vote "no." If you want accountability, then you should support this bill. If that's not important, then put it aside.

If you think that the United States House of Representatives should have a say in how this money is spent, then I think you should support this bill. If not, then fine. You don't have to support it.

Mr. DREIER. Will the gentleman yield?

Mr. MCGOVERN. I am happy to yield to the gentleman from California.

Mr. DREIER. I thank my friend for yielding.

Mr. Speaker, I would just like to say the gentleman we were waiting for earlier has arrived. I was wondering if I

might reclaim a little of my time and allow my friend to offer his remarks.

Mr. MCGOVERN. I have no objection to that.

The SPEAKER pro tempore. Without objection, the gentleman is recognized. There was no objection.

Mr. DREIER. So the gentleman will be able to continue his very brilliant closing statement.

Mr. MCGOVERN. Why don't I reserve my final close and let you yield.

Mr. DREIER. Brilliant idea.

At this time, Mr. Speaker, I would be very, very happy to yield 2 minutes to my friend from Palm Harbor, Florida (Mr. BILIRAKIS).

Mr. BILIRAKIS. I thank the gentleman for yielding.

Mr. Speaker, I rise in opposition to this restrictive rule. The last Congress approved transferring \$350 billion of this Nation's wealth to Wall Street with little transparency, less accountability and, worst of all, with no real effect on our failing economy.

Many of our constituents are opposed to the use of the money to bail out Wall Street. Some of them are so angry at Congress they no longer trust anyone in government.

I submitted an amendment to the Rules Committee that would have required institutions receiving bailout funds to disclose the compensation of their highest-paid executives and directed the Treasury Department to maintain a searchable database of that information.

Unfortunately, my amendment was made out of order. This Congress is entrusting \$700 billion of taxpayers' monies to executives on Wall Street, and yet Congress won't even require those same executives to disclose what they are paying themselves.

I believe we need this information to help us make informed decisions about the use of taxpayers' money to help the people and companies that greatly contributed to our current economic crisis. Our constituents deserve to know how those to whom we have given their money are using it. If Congress fails to insist on at least the most basic mechanisms of transparency while handing billions to Wall Street, we will have victimized the American people and done irreparable harm to the reputation of this institution.

I hope in the future the majority heeds our incoming President's call for bipartisanship in this body and openness in government, goals towards which my amendment would have made progress.

Mr. DREIER. Mr. Speaker, I yield myself the balance of our time, and the gentleman from Massachusetts is going to offer his closing statements then.

I would just like to take a moment if I might, Mr. Speaker. The distinguished chairman of the Financial Services Committee, Mr. FRANK, as he reminded us in the Rules Committee the day before yesterday, and I came to Congress in 1980. We did so at a very challenging economic time for the United States.

I would like to remind our colleagues that Ronald Reagan was elected President the same day that Mr. FRANK and I were elected to serve in the House of Representatives. At that time we were dealing with double-digit unemployment, interest rates that were well into double digits and economic news that was, in fact, very, very dire.

Now, I am no way diminishing, diminishing, the seriousness of the economic challenges that we face today, but I think that it is very important for us to note that the economy that Ronald Reagan inherited, when some of us first arrived here, was, in fact, in a more serious and dire circumstance than we face today. The reason I say that is that it has become a standard line over the last week or two to say that we are, in fact, in the most serious economic time since the Great Depression.

Now, I hope and pray that that is not the case, but, again, if we look at simply the numbers that existed in the early part of the 1980s, when Mr. FRANK and I arrived here in the Congress, to what they are today, we still have a lot of work to do, but I believe that Ronald Reagan faced more serious challenges than we face now.

Now, I will say that I don't know what tomorrow is going to bring. No one knows what tomorrow is going to bring, but I believe that the solutions that we put into place in the early 1980s were, in fact, very positive ones, which brought about marginal rate reduction, which increased by \$1 trillion the flow of revenues to the Federal Treasury through the 1980s. And, yes, we did see an increase in the size of the Federal deficit.

This Congress ended up spending an awful lot more money than had been anticipated or than Ronald Reagan or some of the rest of us would have wanted. We also know that there was a dramatic buildup in defense spending that took place during the 1980s, and I believe at this juncture we have seen the great benefit of that.

In fact, this year we marked the very important 20th anniversary of many, many, many of the great accomplishments that came from what Ronald Reagan did during the 1980s.

Mr. FRANK of Massachusetts. Will the gentleman yield?

Mr. DREIER. Of course, I am happy to yield to my friend, the distinguished Chair of the Committee on Financial Services.

Mr. FRANK of Massachusetts. He says that Ronald Reagan didn't like the spending of the Congress during his administration. Of course, for 6 of those 8 years he had a Republican Senate, but the point is, if he didn't like it, he exercised great self-restraint because he never vetoed one of those spending bills that he apparently didn't like.

Mr. DREIER. Well, if I could reclaim my time, I would say that Ronald Reagan did not like a lot of that spending. Maybe he tolerated some of that spending, is what I might acknowledge.

But the fact is there was more spending than Ronald Reagan or any of the rest of us would have liked in the 1980s on a wide range of programs, but I did acknowledge the dramatic increase in defense spending. Again, this year, 2009, marks the 20th anniversary of the crumbling of the Berlin Wall and dramatic changes that took place in Asia, Africa, Europe that I think need to be realized that came from that very, very difficult economic challenge that Ronald Reagan inherited in 1981.

So I would say, Mr. Speaker, that I think it's important for us to use the kinds of solutions that worked in the early 1980s, if we can. All I am arguing, as we look at the debate on this rule and the underlying legislation that, we, unfortunately, are not turning to those very thoughtful time tested alternatives.

It's for that reason that I urge my colleagues to vote "no" on this rule and on the underlying legislation. I appreciate my colleagues allowing our friend from Florida to have the chance to speak.

I yield back the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I just want to close by saying that I appreciate the history lesson on Ronald Reagan and the Berlin Wall and all the other things that were mentioned.

But the harsh reality is that people are suffering. As we speak, people are losing their homes. The foreclosure numbers in December were the second highest, were the second highest in the history of this country. People need help now. We need to do something now.

So the point of this legislation is to help provide a blueprint for this new administration which has already outlined similar views but to basically reinforce what they have said they want to do, to help provide foreclosure relief, more accountability, to be able to help small businesses get the credit they need, so they can employ more people. We need to get this economy on the right track, and Congress should have a say in it.

So I would urge my colleagues to vote "yes" on the underlying bill and I would urge them to vote "yes" on the bill. I urge a "yes" vote on the previous question.

Ms JACKSON-LEE of Texas. Thank you, Mr. Speaker, for affording me this opportunity to address H. Res. 62, the rule providing for consideration of H.R. 384, the TARP Reform and Accountability Act of 2009. I believe the rule can be supported by every Member of the House.

Mr. Speaker, I was pleased to work with Chairman FRANK and his staff on significant portions of this Manager's Amendment to ensure that small and minority businesses along with local, community, and private banks gain fair and equitable access to the TARP funds. Small businesses are the backbone of our Nation, and unfortunately, they have not been afforded the opportunity that large financial institutions have received to TARP funds and loans. With the ever worsening economic crisis, we must ensure in this legislation that

small and minority businesses and community banks are afforded an opportunity to benefit from this important legislation. I am very pleased that this Manager's Amendment does just this.

This bill will amend the TARP provisions of the Emergency Economic Stabilization Act of 2008 (EESA) to strengthen accountability, close loopholes, increase transparency, and most importantly, require the Treasury Department to take significant steps on foreclosure mitigation. Mr. Speaker, I was particularly pleased to work with Chairman FRANK and his staff on significant portions of the Manager's Amendment to this legislation which ensures that small and minority businesses along with local, community, and private banks gain fair and equitable access to the TARP funds.

It's been 3 months since the Treasury started disbursing TARP funds. Just in time perhaps for a lot of big banks, however smaller banks have been locked out so far. A lot of small banks certainly are in need of relief as the real estate crisis continues to unfold and hundreds have already applied.

According to recent reports, the Treasury Department has yet to issue "the necessary guidelines for about 3,000 additional private banks. Most of them are set up as partnerships, with no more than 100 shareholders. They are not able to issue preferred shares to the government in exchange for capital injections, as other banks can." While Treasury officials state they are "working on a solution," for these private banks time is of the essence.

The Treasury Department has handed out more than \$155 billion to 77 banks. Of that sum, \$115 billion has gone to the eight largest banks. Community banks hold 11 percent of the industry's total assets and play a vital role in small business and agriculture lending. Community banks provide 29 percent of small commercial and industrial loans, 40 percent of small commercial real estate loans and 77 percent of small agricultural production loans.

Specifically, I worked with Chairman FRANK on the language in the Manager's Amendment. In Section 107, the Manager's Amendment creates an Office of Minority and Women Inclusion, which will be responsible for developing and implementing standards and procedures to ensure the inclusion and utilization of minority and women-owned businesses. These businesses will include financial institutions, investment banking firms, mortgage banking firms, broker-dealers, accountants, and consultants. Furthermore, the inclusion of these businesses should be at all levels, including procurement, insurance, and all types of contracts such as the issuance or guarantee of debt, equity, or mortgage-related securities. This office will also be responsible for diversity in the management, employment, and business activities of the TARP, including the management of mortgage and securities portfolios, making of equity investments, the sale and servicing of mortgage loans, and the implementation of its affordable housing programs and initiatives.

Section 107 also calls for the Secretary of the Treasury to report to Congress in 180 days detailed information describing the actions taken by the Office of Minority and Women Inclusion, which will include a statement of the total amounts provided under TARP to small, minority, and women-owned businesses. The Manager's Amendment in Section 404 also has clarifying language en-

suring that the Secretary has authority to support the availability of small business loans and loans to minority and disadvantaged businesses. This will be critical to ensuring that small and minority businesses have access to loans, financing, and purchase of asset-backed securities directly through the Treasury Department or the Federal Reserve.

Mr. Speaker, and I urge my colleagues to support this rule.

Mr. MCGOVERN. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 62 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 384.

□ 1113

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 384) to reform the Troubled Assets Relief Program of the Secretary of the Treasury and ensure accountability under such Program, and for other purposes, with Mr. ROSS (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole House rose on Wednesday, January 14, 2009, all time for general debate, pursuant to House Resolution 53, had expired.

Pursuant to House Resolution 62, no further general debate is in order, and the bill shall be considered read for amendment under the 5-minute rule.

The text of the bill is, as follows:

H.R. 384

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "TARP Reform and Accountability Act of 2009".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—MODIFICATIONS TO TARP AND TARP OVERSIGHT

Sec. 101. New conditionality for TARP-assisted institutions.

Sec. 102. Executive compensation and corporate governance.

Sec. 103. New lending by insured depository institutions that is attributable to TARP investments and assistance.

Sec. 104. Other protections for the taxpayer.

Sec. 105. Availability of TARP funds to smaller community institutions.

Sec. 106. Increase in size and authority of Financial Stability Oversight Board.

Sec. 107. Clarification.

TITLE II—FORECLOSURE RELIEF

Sec. 201. TARP foreclosure mitigation plan and implementation.

Sec. 202. Elements of plan.
 Sec. 203. Program alternatives.
 Sec. 204. Systematic foreclosure prevention and mortgage modification plan established.
 Sec. 204. Modification of plan.
 Sec. 205. Servicer safe harbor.
 Sec. 206. Report by Congressional Oversight Panel.

TITLE III—AUTO INDUSTRY FINANCING AND RESTRUCTURING

Sec. 301. Short title.
 Sec. 302. Direct loan provisions.

TITLE IV—CLARIFICATION OF AUTHORITY

Sec. 401. Consumer loans.
 Sec. 402. Municipal securities.
 Sec. 403. Commercial real estate loans.

TITLE V—HOPE FOR HOMEOWNERS PROGRAM IMPROVEMENTS

Sec. 501. Changes to HOPE for Homeowners Program.
 Sec. 502. Funding of increased HOPE for Homeowners Program credit subsidy costs.

TITLE VI—HOME BUYER STIMULUS

Sec. 601. Home buyer stimulus program.

TITLE VII—FDIC PROVISIONS

Sec. 701. Permanent increase in deposit insurance.
 Sec. 702. Extension of restoration plan period.
 Sec. 703. Borrowing authority.
 Sec. 704. Systemic risk special assessments.

TITLE I—MODIFICATIONS TO TARP AND TARP OVERSIGHT

SEC. 101. NEW CONDITIONALITY FOR TARP-ASSISTED INSTITUTIONS.

(a) IN GENERAL.—Section 113 of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5223) is amended by adding at the end the following new subsections:

“(e) REPORTING, MONITORING AND ACCOUNTABILITY.—

“(1) PERIODIC PUBLIC REPORTING ON USE OF ASSISTANCE.—The Secretary shall require any assisted institution that became an assisted institution on or after October 3, 2008, to publicly report, not less than quarterly, on such institution's use of the assistance.

“(2) ADDITIONAL REQUIREMENTS AND COMPLIANCE.—The Secretary—

“(A) may establish additional reporting and information requirements for any direct or indirect recipient of any assistance or benefit at any time on or after October 3, 2008, that involves the obligation or expenditure, loan, or investment of funds available to the Secretary under this title; and

“(B) shall establish appropriate mechanisms to ensure appropriate use and compliance with all terms of any use of funds made available under this title.

“(3) CONSULTATION.—The Secretary shall consult with the appropriate Federal banking agencies in establishing the reporting requirements under this subsection that are applicable to insured depository institutions.

“(f) USE AND ACCOUNTABILITY FOR USE OF FUNDS.—

“(1) INSURED DEPOSITORY INSTITUTION.—

“(A) INVESTMENT IN OR OTHER INJECTION OF FUNDS INTO A DEPOSITORY INSTITUTION.—As a condition for the provision of any investment in the capital or assets of, or any other provision of assistance to or for the benefit of, any insured depository institution, the Secretary shall incorporate into the agreement for such investment or assistance an agreement between the depository institution and the appropriate Federal banking agency with respect to such institution on the manner in which the funds are to be used and benchmarks that the institution is required to meet in using the funding so as to

advance the purposes of this Act to strengthen the soundness of the financial system and the availability of credit to the economy.

“(B) EXAMINATIONS.—In the case of any assisted insured depository institution that became an assisted institution on or after October 3, 2008, the appropriate Federal banking agency shall specifically review at least once annually the use, by the institution, of funds made available under this Act and compliance by the institution with the requirements established by or pursuant to this title or by agreement of the institution with the Secretary or the appropriate Federal banking agency, including executive compensation and any other specific agreement terms. Such review may be conducted in connection with the regular full-site examination, or any other examination.

“(C) COMPLIANCE PROCEDURES REQUIRED.—Each appropriate Federal banking agency shall prescribe regulations requiring assisted insured depository institutions to establish and maintain procedures designed to assure and monitor the compliance of such depository institutions with the requirements established by or pursuant to this title or by agreement of the institution with the Secretary or such agency.

“(2) USE OF TARP FUNDS FOR MERGERS OR ACQUISITIONS.—Effective as of the date of the enactment of the TARP Reform and Accountability Act of 2009, no assisted institution that became an assisted institution at any time on or after October 3, 2008, may merge or consolidate with any insured depository institution or, either directly or indirectly, acquire the assets of, or assume liability to pay any deposits made in, any insured depository institution, and no Federal banking agency may approve any such action under section 18(c) of the Federal Deposit Insurance Act, while any of such assistance is outstanding unless, prior to the approval of such agency, the Secretary has determined in consultation with any relevant Federal banking agencies that—

“(A) such action will reduce risk to the taxpayer; or

“(B) the transaction could have been consummated without funds provided under this title.

“(3) NONDEPOSITORY INSTITUTIONS.—In the case of any assisted institution that became an assisted institution on or after October 3, 2008, and is not described in and subject to paragraph (1), the Secretary shall establish such reporting requirements and require any other conditions or agreements no less stringent than those applicable to assisted insured depository institutions, including requirements to conduct examinations of the books, affairs, and procedures of any such financial institution by the Secretary or by delegation to the Board.

“(g) NO IMPEDIMENT TO WITHDRAWAL.—Subject to consultation with the appropriate Federal banking agencies, the Secretary may permit an insured depository institution to repay any assistance previously provided under this title to such depository institution without regard to whether the depository institution has replaced such funds from any other source.”

(b) DEFINITIONS.—Section 3 of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5202) is amended by adding at the end the following new paragraphs:

“(10) DEFINITIONS RELATING TO INSURED DEPOSITORY INSTITUTIONS.—The terms ‘depository institution’, ‘insured depository institution’, ‘Federal banking agency’ and ‘appropriate Federal banking agency’ have the same meanings as in section 3 of the Federal Deposit Insurance Act.

“(11) ASSISTED INSTITUTION.—The terms ‘assisted institution’ or ‘assisted insured depository institution’ means any such institu-

tion that receives, directly or indirectly, any assistance or benefit that involves the obligation or expenditure, loan, or investment of funds available to the Secretary under title I.”

SEC. 102. EXECUTIVE COMPENSATION AND CORPORATE GOVERNANCE.

(a) IN GENERAL.—Section 111 of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5221) is amended by adding at the end the following new subsections:

“(e) ACROSS-THE-BOARD EXECUTIVE COMPENSATION AND CORPORATE GOVERNANCE REQUIREMENTS.—

“(1) STANDARDS REQUIRED.—Effective as of the date of the enactment of the TARP Reform and Accountability Act of 2009 and notwithstanding any provision of, and in addition to any requirement of subsection (a), (b), or (c) (other than the definitions in subsection (b)(3)), the Secretary shall require any assisted institution to meet standards for executive compensation and corporate governance while any assistance under this title is outstanding.

“(2) SPECIFIC REQUIREMENTS.—The standards established under paragraph (1) shall include—

“(A) limits on compensation that exclude incentives for senior executive officers of an assisted institution which received assistance under this title to take unnecessary and excessive risks that threaten the value of such institution during the period that any assistance under this title is outstanding;

“(B) a provision for the recovery by such institution of any bonus or incentive compensation paid to a senior executive officer based on statements of earnings, gains, or other criteria that are later found to be materially inaccurate;

“(C) a prohibition on such institution making any golden parachute payment to a senior executive officer during the period that the assistance under this title is outstanding;

“(D) a prohibition on such institution paying or accruing any bonus or incentive compensation, during the period that the assistance under this title is outstanding, to the 25 most highly-compensated employees; and

“(E) a prohibition on any compensation plan that would encourage manipulation of such institution's reported earnings to enhance the compensation of any of its employees.

“(3) DIVESTITURE.—During the period in which any assistance under this title to any assisted institution is outstanding, the institution may not own or lease any private passenger aircraft, or have any interest in such aircraft, except that such institution shall not be treated as being in violation of this provision with respect to any aircraft or interest in any aircraft that was owned or held by the institution immediately before receiving such assistance, as long as the recipient demonstrates to the satisfaction of the Secretary that all reasonable steps are being taken to sell or divest such aircraft or interest.

“(4) APPLICABILITY TO PRIOR ASSISTANCE.—Notwithstanding any limitations included in subsection (a), (b), or (c) with regard to applicability, the Secretary may apply the requirements of and the standards established under this subsection to any assisted institution that received any assistance under this title on or after the date of the enactment of the TARP Reform and Accountability Act of 2009.

“(f) BOARD OBSERVER.—The Secretary may require the attendance of an observer delegated by the Secretary, on behalf of the Secretary, to attend the meetings of the board of directors of any assisted institution that became an assisted institution on or after

October 3, 2008, and any committees of such board of directors, while any assistance under this title is outstanding.”.

(b) **REPEAL OF DE MINIMIS EXCEPTION.**—Section 111(c) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5221(c)) is amended by striking “and only where such purchases per financial institution in the aggregate exceed \$300,000,000 (including direct purchases).”.

SEC. 103. NEW LENDING BY INSURED DEPOSITORY INSTITUTIONS THAT IS ATTRIBUTABLE TO TARP INVESTMENTS AND ASSISTANCE.

Section 7(a) of the Federal Deposit Insurance Act (U.S.C. 1817(a)) is amended by adding at the end the following new paragraph:

“(12) **LENDING INCREASES ATTRIBUTABLE TO INVESTMENT OR OTHER ASSISTANCE UNDER THE TROUBLED ASSETS RELIEF PROGRAM.**—

“(A) **IN GENERAL.**—Each report of condition filed pursuant to this subsection by an insured depository institution which received an investment or other assistance under the Troubled Assets Relief Program established by the Emergency Economic Stabilization Act of 2008 or section 136(d) of the Energy Independence and Security Act of 2007 shall report the amount of any increase in new lending in the period covered by such report (or the amount of any reduction in any decrease in new lending) that is attributable to such investment or assistance, to the extent possible.

“(B) **ALTERNATIVE MEASURE.**—If an insured depository institution that is subject to subparagraph (A) cannot accurately quantify the effect that an investment or other assistance under such Troubled Assets Relief Program has had on new lending by the institution, the insured depository institution shall report the total amount of the increase in new lending, if any, in the period covered by such report.

“(C) **DESIGNATION OF REPORTING REQUIREMENT.**—The Federal banking agencies and the Secretary of the Treasury shall specify the form, content, and manner of reports required under this paragraph.”.

SEC. 104. OTHER PROTECTIONS FOR THE TAXPAYER.

(a) **WARRANT REQUIREMENTS.**—Subsection (d) of section 113 of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5223(d)) is amended by striking paragraph (1) and inserting the following new paragraph:

“(1) **WARRANTS.**—

“(A) **IN GENERAL.**—The Secretary may not provide any assistance under this title to any institution, unless the Secretary, receives from the institution—

“(i) in the case of an institution the securities of which are traded on a national securities exchange, a warrant giving the right to the Secretary to receive nonvoting common stock or preferred stock in such institution, or voting stock, with respect to which the Secretary agrees not to exercise voting power, whichever the Secretary determines appropriate; or

“(ii) in the case of an institution other than one described in clause (i), a warrant for common or preferred stock, or an instrument that is the economic equivalent (as determined by the Secretary) of such a warrant in the financial institution (in the case of a mutual association), holding company of the financial institution, or any company that controls a majority stake in the financial institution, whichever the Secretary determines appropriate.

“(B) **AMOUNT.**—

“(i) **IN GENERAL.**—The warrants or instruments described in subparagraph (A) with respect to an assisted institution shall have a value equal to 15 percent of the aggregate amount of all assistance provided to the institution under this title. Such warrants or

instruments shall entitle the Government to purchase—

“(I) nonvoting common stock, up to a maximum amount of 15 percent of the issued and outstanding common stock of—

“(aa) the assisted institution; or

“(bb) in the case of an assisted institution, the securities of which are not traded on a national securities exchange, a holding company or company that controls a majority of the stock thereof (in this section referred to as the ‘warrant common’); and

“(II) preferred stock having an aggregate liquidation preference equal to 15 percent of such aggregate loan amount, less the value of common stock available for purchase under the warrant common (in this section referred to as the ‘warrant preferred’).

“(ii) **COMMON STOCK WARRANT PRICE.**—The exercise price on a warrant or instrument described in paragraph (1) shall be—

“(I) the 15-day trailing average, as of 1 day prior to the date on which any commitment to provide assistance under this title was entered into, of the market price of the common stock of the assisted institution; or

“(II) in the case of an assisted institution, which is a mutual association or the securities of which are not traded on a national securities exchange, the economic equivalent of the market price described in clause (I), as determined by the Secretary.

“(iii) **TERMS OF PREFERRED STOCK WARRANT.**—

“(I) **IN GENERAL.**—The initial exercise price for the preferred stock warrant shall be \$0.01 per share or such greater amount as the corporate charter may require as the par value per share of the warrant preferred. The Government shall have the right to immediately exercise the warrants.

“(II) **REDEMPTION.**—The warrant preferred may be redeemed at any time after exercise of the preferred stock warrant at 100 percent of its issue price, plus any accrued and unpaid dividends.”.

(b) **REPEAL OF CERTAIN EXCEPTION.**—Section 113(d)(3) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5223(d)(3)) is amended by striking subparagraph (A).

(c) **TECHNICAL AND CONFORMING AMENDMENTS.**—Section 113(d)(2) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5253(d)) is amended by striking subparagraph (E).

SEC. 105. AVAILABILITY OF TARP FUNDS TO SMALLER COMMUNITY INSTITUTIONS.

(a) **PROMPT ACTION.**—The Secretary shall promptly take all necessary actions to make available funds under title I of the Emergency Economic Stabilization Act of 2008 to smaller community financial institutions.

(b) **COMPARABLE TERMS.**—If any institution becomes an assisted institution after the date of the enactment of this Act, such funding for depository institutions that—

(1) have submitted applications on which no action has been taken, such as institutions that are C corporations (including privately held institutions) and community development financial institutions; or

(2) are of a type for which the Secretary has not yet established an application deadline or for which any such deadline has not yet occurred as of the date of the enactment of this Act, such as institutions that are non-stock corporations, S-corporations, mutually-owned insured depository institutions (as defined in section 3 of the Federal Deposit Insurance Act),

shall receive such funding on terms comparable to the terms applicable to institutions that received funding prior to the date of the enactment of this Act.

(c) **DEFINITIONS.**—For purposes of this section, the terms “S Corporation” and “C Cor-

poration” shall have the same meaning given to those terms in section 1361(a) of the Internal Revenue Code of 1986.

SEC. 106. INCREASE IN SIZE AND AUTHORITY OF FINANCIAL STABILITY OVERSIGHT BOARD.

(a) **AUTHORITY.**—Section 104 of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 2514) is amended—

(1) by redesignating subsections (g) and (h) as subsections (h) and (i), respectively; and

(2) by inserting after subsection (f) the following new subsection:

“(g) **REVIEW AND DECISIONMAKING.**—After conducting any review under this section of a policy determination made by the Secretary, the Financial Stability Oversight Board may overturn any such policy determination by a ⅔ vote of all members of such board.”.

(b) **APPOINTMENT OF 3 ADDITIONAL MEMBERS.**—Section 104(b) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 2514(b)) is amended—

(1) by striking “and” at the end of paragraph (4);

(2) by striking the period at the end of paragraph (5) and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

“(6) the Chairperson of the Board of Directors of the Federal Deposit Insurance Corporation; and

“(7) 2 members appointed by the President, by and with the consent of the Senate, from among individuals who are not officers or employees of the United States Government.”.

SEC. 107. CLARIFICATION.

Section 101 of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 2514(b)) is amended by adding at the end the following new subsection:

“(f) **CLARIFICATION.**—Any provision of capital to, purchase of equity in, or assistance provided to any institution under this title shall be considered to be a purchase of troubled assets for purposes of this title.”.

TITLE II—FORECLOSURE RELIEF

SEC. 201. TARP FORECLOSURE MITIGATION PLAN AND IMPLEMENTATION.

(a) **PLAN REQUIRED.**—Notwithstanding any provision of title I of the Emergency Economic Stabilization Act of 2008, none of the funds otherwise available to the Secretary of the Treasury (in this title referred to as the “Secretary”) pursuant to section 115(a)(3) of such Act shall be available to the Secretary after March 15, 2009, unless a comprehensive plan to prevent and mitigate foreclosures on residential properties, in accordance with the requirements of this title, has been developed by the Secretary and approved by the Financial Stability Oversight Board by such date.

(b) **COMMITMENT OF RESOURCES.**—The comprehensive plan established pursuant to subsection (a) shall require the commitment of funds made available to the Secretary under title I of the Emergency Economic Stabilization Act of 2008 in an amount up to \$100,000,000,000, but in no case less than \$40,000,000,000.

(c) **IMPLEMENTATION REQUIRED.**—The Secretary shall begin committing funds available to the Secretary under title I of the Emergency Economic Stabilization Act of 2008 to implement the comprehensive plan established pursuant to subsection (a) by not later than April 1, 2009.

(d) **CERTIFICATION.**—If by May 1, 2009, the Secretary does not commit more than the minimum of \$40,000,000,000 as required under subsection (b), the Secretary shall certify to the Congress, no later than May 15, 2009, the specific reasons that such additional funds have not been committed.

SEC. 202. ELEMENTS OF PLAN.

(a) **REQUIRED ELEMENTS.**—The comprehensive plan established pursuant to section 201(a) shall comply with the following requirements:

(1) **OWNER-OCCUPIED RESIDENCES ONLY.**—The programs implemented under the plan shall prevent and mitigate foreclosures specifically on owner-occupied residential properties.

(2) **LEVERAGING OF PRIVATE CAPITAL.**—The plan shall leverage private capital to the maximum extent possible consistent with the purpose of preventing and mitigating foreclosures on such properties.

(3) **USE OF PROGRAM ALTERNATIVES.**—The actions to be taken under the plan shall consist of one, or a combination of more than one, of the program alternatives set forth in section 203.

(b) **CONCENTRATIONS OF FORECLOSURES.**—The comprehensive plan established pursuant to section 201(a) may include provisions designed to prevent and mitigate foreclosures on residential properties located in areas that are most seriously affected by such foreclosures.

SEC. 203. PROGRAM ALTERNATIVES.

The program alternatives set forth in this section are as follows:

(1) **SYSTEMATIC LOAN MODIFICATION PROGRAM.**—The systematic foreclosure prevention and mortgage modification program under section 204.

(2) **REDUCTION OF HOPE FOR HOMEOWNERS PROGRAM COSTS.**—A program under which the Secretary—

(A) provides coverage for fees under the HOPE for Homeowners Program under section 257 of the National Housing Act (12 U.S.C. 1715z–23), as amended by title V of this Act; or

(B) ensures the affordability of interest rates of mortgages insured under such Program.

(3) **BUY-DOWN OF SECOND LIEN MORTGAGES.**—A program under which the Secretary makes available to owners of owner-occupied residential properties a direct mortgage loan the proceeds of which shall be used only to reduce the outstanding debt of such owner under an existing second lien mortgage on such residential property, for the purpose of facilitating loan modification, subject to such reductions in the principal of such existing second lien mortgages as the Secretary may require.

(4) **SERVICER INCENTIVES AND ASSISTANCE.**—A program under which the Secretary may make payments to servicers who implement modifications to mortgages that result in mortgages that meet such requirements as the Secretary shall establish.

(5) **LOAN PURCHASES.**—A program under which the Secretary, or one or more entities that the Secretary, in consultation with the Secretary of Housing and Urban Development, enters into a contract with to carry out the program under this paragraph, which may include the Federal Deposit Insurance Corporation and entities selected as contractors under section 107 of the Emergency Economic Stabilization Act of 2008, purchases whole loans for the purpose of modifying or refinancing the loans.

SEC. 204. SYSTEMATIC FORECLOSURE PREVENTION AND MORTGAGE MODIFICATION PLAN ESTABLISHED.

(a) **IN GENERAL.**—The systematic foreclosure prevention and mortgage modification program under this section shall be a program established by the Secretary, in consultation with the Chairperson of the Board of Directors of the Federal Deposit Insurance Corporation and the Secretary of Housing and Urban Development, that—

(1) provides lenders and loan servicers with certain compensation to cover administra-

tive costs for each loan modified according to the required standards; and

(2) provides loss sharing or guarantees for certain losses incurred if a modified loan should subsequently re-default.

(b) **PROGRAM ADMINISTRATION.**—The Secretary, in consultation with the Secretary of Housing and Urban Development, may contract with one or more entities, including the Federal Deposit Insurance Corporation and entities selected as contractors under section 107 of the Emergency Economic Stabilization Act of 2008, to conduct the program activities required under the program under this section.

(c) **PROGRAM COMPONENTS.**—The program established under subsection (a) may include the following components:

(1) **ELIGIBLE BORROWERS.**—The program shall be limited to loans secured by owner-occupied properties.

(2) **EXCLUSION FOR EARLY PAYMENT DEFAULT.**—To promote sustainable mortgages, loss sharing or guarantees shall be available only after the borrower has made a specified minimum number of payments on the modified mortgage.

(3) **STANDARD NET PRESENT VALUE TEST.**—In order to promote consistency and simplicity in implementation and audit, the Secretary shall prescribe a standardized net present value analysis for participating lenders and servicers comparing the expected net present value of modifying past due loans compared to the net present value of foreclosing on them will be applied. Under this test, standard assumptions shall be used to ensure that a consistent standard for affordability is provided based on a ratio of the borrower's mortgage-related expenses for the first priority mortgage-to-gross income specified by the Secretary.

(4) **SYSTEMATIC LOAN REVIEW BY PARTICIPATING LENDERS AND SERVICERS.**—Participating lenders and servicers shall be required to undertake a systematic review of all of the loans under their management, to subject each loan to a standard net present value test to determine whether it is a suitable candidate for modification, and to offer modifications for all loans that pass this test. The penalty for failing to undertake such a systematic review and to carry out modifications where they are justified would be disqualification from further participation in the program until such a systematic program was introduced.

(5) **MODIFICATIONS.**—Modifications may include any of the following:

(A) Reduction in interest rates and fees.

(B) Term or amortization extensions.

(C) Forbearance or forgiveness of principal.

(D) Other similar modifications.

(6) **SIMPLIFIED LOSS SHARE CALCULATION.**—In order to ensure the administrative efficiency and effective operation of the program, the Secretary shall define appropriate measures for loss sharing or guarantees designed to reduce the risk and loss upon re-default of modified mortgages in order to provide adequate incentives to lenders, servicers, and investors to modify eligible mortgages and avoid unnecessary foreclosures. Interim modifications shall be allowed.

(7) **DE MINIMIS TEST.**—To lower administrative costs, a de minimis test shall be used to exclude from loss sharing any modification that does not lower the monthly payment at least 10 percent.

(8) **8 YEAR LIMIT ON LOSS SHARING PAYMENT.**—The loss sharing guarantee shall terminate at the end of the 8-year period beginning on the date the modification was consummated.

(d) **ALTERNATIVE COMPONENTS.**—The Secretary may, with the approval of the Board, implement foreclosure prevention and miti-

gation actions other than those included pursuant to subsection (c) in the comprehensive plan initially approved by the Board pursuant to section 201(a) that the Secretary believes would provide equivalent or greater impact on foreclosure mitigation.

(e) **REGULATIONS.**—The Secretary shall prescribe such regulations as may be necessary to implement this section and prevent evasions thereof.

(f) **TROUBLED ASSETS.**—The costs incurred by the Federal Government in carrying out the loan modification program established under this section shall be covered out of the funds made available to the Secretary of the Treasury under section 118 of the Emergency Economic Stabilization Act of 2008 or such other funds as may be available to the Secretary.

(g) **REPORT.**—Before the end of the 6-month period beginning on the date of the enactment of this Act, the Secretary shall submit a progress report to the Congress containing such findings and such recommendations for legislative or administrative action as the Secretary may determine to be appropriate.

SEC. 204. MODIFICATION OF PLAN.

(a) **IN GENERAL.**—If the Secretary, in consultation with the Chairperson of the Board of Directors of the Federal Deposit Insurance Corporation and the Secretary of Housing and Urban Development, determines at any time that modification of the comprehensive plan initially approved by the Board pursuant to section 201(a) (as such plan may subsequently have been modified pursuant to this section), or that modification of any component program element, is necessary to maximize the prevention of foreclosures on residential properties or minimize costs to taxpayers of such foreclosure mitigation, the Secretary may modify the plan or program element, but only to the extent such modifications are approved by the Board.

SEC. 205. SERVICER SAFE HARBOR.

(a) **SAFE HARBOR.**—

(1) **LOAN MODIFICATIONS AND WORKOUT PLANS.**—Notwithstanding any other provision of law, and notwithstanding any investment contract between a servicer and a securitization vehicle or investor, a servicer that acts consistent with the duty set forth in section 129A(a) of Truth in Lending Act (15 U.S.C. 1639a) shall not be liable for entering into a loan modification or workout plan with respect to any such mortgage that meets all of the criteria set forth in paragraph (2)(B) to—

(A) any person, based on that person's ownership of a residential mortgage loan or any interest in a pool of residential mortgage loans or in securities that distribute payments out of the principal, interest and other payments in loans on the pool;

(B) any person who is obligated to make payments determined in reference to any loan or any interest referred to in subparagraph (A); or

(C) any person that insures any loan or any interest referred to in subparagraph (A) under any law or regulation of the United States or any law or regulation of any State or political subdivision of any State.

(2) **ABILITY TO MODIFY MORTGAGES.**—

(A) **ABILITY.**—Notwithstanding any other provision of law, and notwithstanding any investment contract between a servicer and a securitization vehicle or investor, a servicer—

(i) shall not be limited in the ability to modify mortgages, the number of mortgages that can be modified, the frequency of loan modifications, or the range of permissible modifications; and

(ii) shall not be obligated to repurchase loans from or otherwise make payments to the securitization vehicle on account of a

modification, workout, or other loss mitigation plan for a residential mortgage or a class of residential mortgages that constitute a part or all of the mortgages in the securitization vehicle,

if any mortgage so modified meets all of the criteria set forth in subparagraph (B).

(B) **CRITERIA.**—The criteria under this subparagraph with respect to a mortgage are as follows:

(i) Default on the payment of such mortgage has occurred or is reasonably foreseeable.

(ii) The property securing such mortgage is occupied by the mortgagor of such mortgage.

(iii) The servicer reasonably and in good faith believes that the anticipated recovery on the principal outstanding obligation of the mortgage under the particular modification or workout plan or other loss mitigation action will exceed, on a net present value basis, the anticipated recovery on the principal outstanding obligation of the mortgage to be realized through foreclosure.

(3) **APPLICABILITY.**—This subsection shall apply only with respect to modifications, workouts, and other loss mitigation plans initiated before January 1, 2012.

(b) **LEGAL COSTS.**—If an unsuccessful action is brought against a servicer by any person described in subparagraph (A), (B), or (C) of subsection (a)(1), such person shall bear any actual legal costs of the servicer, including reasonable attorney fees and expert witness fees, incurred in good faith in such action, as determined by the court.

(c) **REPORTING.**—Each servicer that engages in loan modifications or workout plans subject to the safe harbor in subsection (a) shall report to the Secretary on a regular basis regarding the extent, scope and results of the servicer's modification activities. The Secretary shall prescribe regulations specifying the form, content, and timing of such reports.

(d) **DEFINITION OF SECURITIZATION VEHICLES.**—For purposes of this section, the term "securitization vehicle" means a trust, corporation, partnership, limited liability entity, special purpose entity, or other structure that—

(1) is the issuer, or is created by the issuer, of mortgage pass-through certificates, participation certificates, mortgage-backed securities, or other similar securities backed by a pool of assets that includes residential mortgage loans; and

(2) holds such mortgages.

SEC. 206. REPORT BY CONGRESSIONAL OVERSIGHT PANEL.

The Congressional Oversight Panel established by section 125 of the Emergency Economic Stabilization Act of 2008 shall submit a report to the Congress, not later than July 1, 2009, regarding—

(1) the actions taken by the Secretary pursuant to this title;

(2) the impact and effectiveness of such actions on foreclosures on residential properties; and

(3) the effectiveness of such actions from the standpoint of minimizing costs to the taxpayers.

TITLE III—AUTO INDUSTRY FINANCING AND RESTRUCTURING

SEC. 301. SHORT TITLE.

This title may be cited as the "TARP Reform and Accountability Act of 2009".

SEC. 302. DIRECT LOAN PROVISIONS.

(a) **IN GENERAL.**—The Emergency Economic Stabilization Act of 2008 (division A of Public Law 110-343) is amended by adding at the end the following:

"TITLE IV—AUTO INDUSTRY FINANCING AND RESTRUCTURING

"SEC. 401. PURPOSES.

"The purposes of this title are—

"(1) to clarify and confirm the authority and facilities to restore liquidity and stability to domestic vehicle manufacturers in the United States; and

"(2) to ensure that such authority and such facilities are used in a manner that—

"(A) results in a viable and competitive domestic automobile industry that minimizes adverse effects on the environment;

"(B) enhances the ability and the capacity of the domestic automobile industry to pursue the timely and aggressive production of energy-efficient advanced technology vehicles;

"(C) preserves and promotes the jobs of American workers employed directly by the domestic automobile industry and in related industries;

"(D) safeguards the ability of the domestic automobile industry to provide retirement and health care benefits for the industry's retirees and their dependents; and

"(E) stimulates manufacturing and sales of automobiles produced by automobile manufacturers in the United States.

"SEC. 402. PRESIDENTIAL DESIGNATION.

"(a) **DESIGNATION.**—The President shall designate one or more officers from the Executive Branch having appropriate expertise in such areas as economic stabilization, financial aid to commerce and industry, financial restructuring, energy efficiency, and environmental protection (who shall hereinafter in this title be collectively referred to as the 'President's designee') to carry out the purposes of this title, including the facilitation of restructuring necessary to achieve the long-term financial viability of domestic automobile manufacturers, who shall serve at the pleasure of the President.

"(b) **ADDITIONAL PERSONS.**—The President or the President's designee may also employ, appoint, or contract with additional persons having such expertise as the President or the President's designee believes will assist the Government in carrying out the purposes of this title.

"(c) **PARTICIPATION BY OTHER AGENCY PERSONNEL.**—Other Federal agencies may provide, at the request of the President's designee, staff on detail from such agencies for purposes of carrying out this title.

"SEC. 403. BRIDGE FINANCING.

"(a) **IN GENERAL.**—The President's designee shall authorize and direct the disbursement of bridge loans or enter into commitments for lines of credit to each automobile manufacturer that submitted a plan to the Congress on December 2, 2008 (hereafter in this title referred to as an 'eligible automobile manufacturer'), and has submitted a request for such loan or commitment. Nothing in this section shall preclude the President's designee from authorizing and directing the disbursement of bridge loans or entering into commitments for lines of credit to other entities.

"(b) **AMOUNT OF ASSISTANCE.**—The President's designee shall authorize bridge loans or commitments for lines of credit to each eligible automobile manufacturer in an amount that is intended to facilitate the continued operations of the eligible automobile manufacturer and to prevent the failure of the eligible automobile manufacturer, consistent with the plan submitted on December 2, 2008, and subject to available funds.

"SEC. 404. RESTRUCTURING PROGRESS ASSESSMENT.

"(a) **ESTABLISHMENT OF MEASURES FOR ASSESSING PROGRESS.**—Not later than February 1, 2009, the President's designee shall determine appropriate measures for assessing the progress of each eligible automobile manufacturer toward transforming the plan submitted by such manufacturer to the Con-

gress on December 2, 2008, into the restructuring plan to be submitted under section 405(b).

"(b) EVALUATION OF PROGRESS ON BASIS OF RESTRUCTURING PROGRESS ASSESSMENT MEASURES.—

"(1) **IN GENERAL.**—The President's designee shall evaluate the progress of each eligible automobile manufacturer toward the development of a restructuring plan, on the basis of the restructuring progress assessment measures established under this section for such manufacturer.

"(2) **TIMING.**—Each evaluation required under paragraph (1) for any eligible automobile manufacturer shall be conducted at the end of the 15-day period beginning on the date on which the restructuring progress assessment measures were established by the President's designee for such eligible automobile manufacturer.

"SEC. 405. SUBMISSION OF PLANS.

"(a) **NEGOTIATED PLANS.—**

"(1) **FACILITATION.—**

"(A) **IN GENERAL.**—Beginning on the date of any disbursement under the facility, the President's designee shall seek to facilitate agreement on any restructuring plan to achieve and sustain the long-term viability, international competitiveness, and energy efficiency of an eligible automobile manufacturer, negotiated and agreed to by representatives of interested parties (in this title referred to as a 'negotiated plan') with respect to any eligible automobile manufacturer.

"(B) **INTERESTED PARTIES.**—For purposes of this section, the term 'interested party' shall be construed broadly so as to include all persons who have a direct financial interest in a particular automobile manufacturer, including—

"(i) employees and retirees of the eligible automobile manufacturer;

"(ii) trade unions;

"(iii) creditors;

"(iv) suppliers;

"(v) automobile dealers; and

"(vi) shareholders.

"(2) **ACTIONS OF THE PRESIDENT'S DESIGNEE.—**

"(A) **IN GENERAL.**—For the purpose of achieving a negotiated plan, the President's designee may convene, chair, and conduct formal and informal meetings, discussions, and consultations, as appropriate, with interested parties of an eligible automobile manufacturer.

"(B) **CLARIFICATION.**—The Federal Advisory Committee Act shall not apply with respect to any of the activities conducted or taken by the President's designee pursuant to this title.

"(b) **RESTRUCTURING PLAN.**—Not later than March 31, 2009, each eligible automobile manufacturer shall submit to the President's designee a restructuring plan to achieve and sustain the long-term viability, international competitiveness, and energy efficiency of the eligible automobile manufacturer (in this title referred to as the 'restructuring plan') in accordance with this section. The President's designee shall approve the restructuring plan if the President's designee determines that the plan will result in—

"(1) the repayment of all Government-provided financing, consistent with the terms specified in section 408, or otherwise agreed to;

"(2) the ability—

"(A) to comply with applicable fuel efficiency and emissions requirements;

"(B) to commence domestic manufacturing of advanced technology vehicles, as described in section 136 of the Energy Independence and Security Act of 2007 (Public Law 110-140; 42 U.S.C. 17013); and

"(C) to produce new and existing products and capacity;

“(3) the achievement of a positive net present value, using reasonable assumptions and taking into account all existing and projected future costs, including repayment of any financial assistance provided pursuant to this title;

“(4) the ability to rationalize costs, capitalization, and capacity with respect to the manufacturing workforce, suppliers, and dealerships of the eligible automobile manufacturer;

“(5) proposals to restructure existing debt, including, where appropriate, the conversion of debt to equity, to improve the ability of the eligible automobile manufacturer to raise private capital; and

“(6) a product mix and cost structure that is competitive in the marketplace.

“(c) **EXTENSION OF NEGOTIATIONS AND PLAN DEADLINE.**—Notwithstanding the time limitations in subsection (b), the President's designee, upon making a determination that the interested parties are negotiating in good faith, are making significant progress, and that an additional period of time would likely facilitate agreement on a negotiated plan, and upon notification of the Congress, may extend for not longer than 30 additional days the negotiation period under subsection (b).

“SEC. 406. FINANCING FOR RESTRUCTURING.

“Upon approval by the President's designee of a restructuring plan, the President's designee may provide financial assistance to an eligible automobile manufacturer to implement the restructuring plan.

“SEC. 407. DISAPPROVAL AND CALL OF LOAN.

“If the President's designee has not approved the restructuring plan at the expiration of the period provided in section 405 for submission and approval of the restructuring plan, the President's designee shall call the loan or cancel the commitment within 30 days, unless a restructuring plan is approved within that period.

“SEC. 408. TERMS AND CONDITIONS.

“(a) **DURATION.**—The duration of any loan made under this title shall be 7 years, or such period as the President's designee may determine with respect to such loan.

“(b) **NO PREPAYMENT PENALTY.**—A loan made under this title shall be prepayable without penalty at any time.

“(c) **INFORMATION ACCESS.**—As a condition for the receipt of any financial assistance made under this title, an eligible automobile manufacturer shall agree—

“(1) to allow the President's designee to examine any books, papers, records, or other data of the eligible automobile manufacturer, and those of any subsidiary, affiliate, or entity holding an ownership interest of 50 percent or more of such automobile manufacturer, that may be relevant to the financial assistance, including compliance with the terms of a loan or any conditions imposed under this title; and

“(2) to provide in a timely manner any information requested by the President's designee, including requiring any officer or employee of the eligible automobile manufacturer, any subsidiary, affiliate, or entity referred to in paragraph (1) with respect to such manufacturer, or any person having possession, custody, or care of the reports and records required under paragraph (1), to appear before the President's designee at a time and place requested and to provide such books, papers, records, or other data, as requested, as may be relevant or material.

“(d) **OVERSIGHT OF TRANSACTIONS AND FINANCIAL CONDITION.**—

“(1) **DUTY TO INFORM.**—During the period in which any loan extended under this title remains outstanding, the eligible automobile manufacturer which received such loan shall promptly inform the President's designee of—

“(A) any asset sale, investment, contract, commitment, or other transaction proposed to be entered into by such eligible automobile manufacturer that has a value in excess of \$100,000,000; and

“(B) any other material change in the financial condition of such eligible automobile manufacturer.

“(2) **AUTHORITY OF THE PRESIDENT'S DESIGNEE.**—During the period in which any loan extended under this title remains outstanding, the President's designee may—

“(A) review any asset sale, investment, contract, commitment, or other transaction described in paragraph (1); and

“(B) prohibit the eligible automobile manufacturer which received the loan from consummating any such proposed sale, investment, contract, commitment, or other transaction, if the President's designee determines that consummation of such transaction would be inconsistent with or detrimental to the long-term viability of the eligible automobile manufacturer.

“(3) **PROCEDURES.**—The President's designee may establish procedures for conducting any review under this subsection.

“(e) **CONSEQUENCES FOR FAILURE TO COMPLY.**—The terms of any financial assistance made under this title shall provide that if—

“(1) an evaluation by the President's designee under section 404(b) demonstrates that the eligible automobile manufacturer which received the financial assistance has failed to make adequate progress towards meeting the restructuring progress assessment measures established by the President's designee under section 404(a) with respect to such recipient;

“(2) after March 31, 2009, the eligible automobile manufacturer which received the financial assistance fails to submit an acceptable restructuring plan under section 405(b), or fails to comply with any conditions or requirement applicable under this title or applicable fuel efficiency and emissions requirements; or

“(3) after a restructuring plan of an eligible automobile manufacturer has been approved by the President's designee, the automobile manufacturer fails to make adequate progress in the implementation of the plan, as determined by the President's designee, the repayment of any loan may be accelerated to such earlier date or dates as the President's designee may determine and any other financial assistance may be cancelled by the President's designee.

“SEC. 409. TAXPAYER PROTECTION.

“(a) **WARRANTS.**—

“(1) **IN GENERAL.**—The President's designee may not provide any loan under this title, unless the President's designee, or such department or agency as is designated for such purpose by the President, receives from the eligible automobile manufacturer—

“(A) in the case of an eligible automobile manufacturer, the securities of which are traded on a national securities exchange, a warrant giving the right to the President's designee to receive nonvoting common stock or preferred stock in such eligible automobile manufacturer, or voting stock, with respect to which the President's designee agrees not to exercise voting power, whichever the President's designee determines appropriate; or

“(B) in the case of an eligible automobile manufacturer other than one described in subparagraph (A), a warrant for common or preferred stock, or an instrument that is the economic equivalent (as determined by the President's designee) of such a warrant in the holding company of the eligible automobile manufacturer, or any company that controls a majority stake in the eligible automobile manufacturer, whichever the President's designee determines appropriate.

“(2) **AMOUNT.**—

“(A) **IN GENERAL.**—The warrants or instruments described in paragraph (1) shall have a value equal to 20 percent of the aggregate amount of all loans provided to the eligible automobile manufacturer under this title. Such warrants or instruments shall entitle the Government to purchase—

“(i) nonvoting common stock, up to a maximum amount of 20 percent of the issued and outstanding common stock of—

“(I) the eligible automobile manufacturer; or

“(II) in the case of an eligible automobile manufacturer, the securities of which are not traded on a national securities exchange, a holding company or company that controls a majority of the stock thereof (in this section referred to as the ‘warrant common’); and

“(ii) preferred stock having an aggregate liquidation preference equal to 20 percent of such aggregate loan amount, less the value of common stock available for purchase under the warrant common (in this section referred to as the ‘warrant preferred’).

“(B) **COMMON STOCK WARRANT PRICE.**—The exercise price on a warrant or instrument described in paragraph (1) shall be—

“(i) the 15-day trailing average, as of the day before the date on which any commitment to provide a loan was entered into, of the market price of the common stock of the eligible automobile manufacturer which received any loan under this title; or

“(ii) in the case of an eligible automobile manufacturer, the securities of which are not traded on a national securities exchange, the economic equivalent of the market price described in clause (i), as determined by the President's designee.

“(C) **TERMS OF PREFERRED STOCK WARRANT.**—

“(i) **IN GENERAL.**—The initial exercise price for the preferred stock warrant shall be \$0.01 per share or such greater amount as the corporate charter may require as the par value per share of the warrant preferred. The Government shall have the right to immediately exercise the warrants.

“(ii) **REDEMPTION.**—The warrant preferred may be redeemed at any time after exercise of the preferred stock warrant at 100 percent of its issue price, plus any accrued and unpaid dividends.

“(iii) **OTHER TERMS AND CONDITIONS.**—Other terms and conditions of the warrant preferred shall be determined by the President's designee to protect the interests of taxpayers.

“(3) **APPLICATION OF OTHER PROVISIONS OF LAW.**—Except as otherwise provided in this section, the requirements for the purchase of warrants under section 113(d)(2) of the Emergency Economic Stabilization Act of 2008 (division A of Public Law 110-343) shall apply to any warrant or instrument described in paragraph (1), including the antidilution protection provisions therein.

“(b) **EXECUTIVE COMPENSATION AND CORPORATE GOVERNANCE.**—

“(1) **IN GENERAL.**—During the period in which any financial assistance under this title remains outstanding, the eligible automobile manufacturer which received such assistance shall be subject to—

“(A) the standards established by the President's designee under paragraph (2); and

“(B) the provisions of section 162(m)(5) of the Internal Revenue Code of 1986, as applicable.

“(2) **STANDARDS REQUIRED.**—The President's designee shall require any eligible automobile manufacturer which received any financial assistance under this title to meet appropriate standards for executive compensation and corporate governance.

“(3) **SPECIFIC REQUIREMENTS.**—The standards established under paragraph (2) shall include—

“(A) limits on compensation that exclude incentives for senior executive officers of an eligible automobile manufacturer which received assistance under this title to take unnecessary and excessive risks that threaten the value of such manufacturer during the period that the loan is outstanding;

“(B) a provision for the recovery by such automobile manufacturer of any bonus or incentive compensation paid to a senior executive officer based on statements of earnings, gains, or other criteria that are later found to be materially inaccurate;

“(C) a prohibition on such automobile manufacturer making any golden parachute payment to a senior executive officer during the period that the loan is outstanding;

“(D) a prohibition on such automobile manufacturer paying or accruing any bonus or incentive compensation during the period that the loan is outstanding to the 25 most highly-compensated employees; and

“(E) a prohibition on any compensation plan that would encourage manipulation of such automobile manufacturer's reported earnings to enhance the compensation of any of its employees.

“(4) **DIVESTITURE.**—During the period in which any financial assistance provided under this title to any eligible automobile manufacturer is outstanding, the eligible automobile manufacturer may not own or lease any private passenger aircraft, or have any interest in such aircraft, except that such eligible automobile manufacturer shall not be treated as being in violation of this provision with respect to any aircraft or interest in any aircraft that was owned or held by the manufacturer immediately before receiving such assistance, as long as the recipient demonstrates to the satisfaction of the President's designee that all reasonable steps are being taken to sell or divest such aircraft or interest.

“(5) **DEFINITIONS.**—For purposes of this subsection, the following definitions shall apply:

“(A) **SENIOR EXECUTIVE OFFICER.**—The term ‘senior executive officer’ means an individual who is one of the top five most highly paid executives of a public company, whose compensation is required to be disclosed pursuant to the Securities Exchange Act of 1934, and any regulations issued thereunder, and non-public company counterparts.

“(B) **GOLDEN PARACHUTE PAYMENT.**—The term ‘golden parachute payment’ means any payment to a senior executive officer for departure from a company for any reason, except for payments for services performed or benefits accrued.

“(C) **PROHIBITION ON PAYMENT OF DIVIDENDS.**—Except with respect to obligations owed pursuant to law to any nonaffiliated party or any existing contract with any nonaffiliated party in effect as of December 2, 2008, no dividends or distributions of any kind, or the economic equivalent thereof (as determined by the President's designee), may be paid by any eligible automobile manufacturer which receives financial assistance under this title, or any holding company or company that controls a majority stake in the eligible automobile manufacturer, while such financial assistance is outstanding.

“(d) **OTHER INTERESTS SUBORDINATED.**—

“(1) **IN GENERAL.**—In the case of an eligible automobile manufacturer which received a loan under this title, to the extent permitted by the terms of any obligation, liability, or debt of the eligible automobile manufacturer in effect as of December 2, 2008, any other obligation of such eligible automobile manufacturer shall be subordinate to such loan, and such loan shall be senior and prior to all obligations, liabilities, and debts of the eligi-

ble automobile manufacturer, and such eligible automobile manufacturer shall provide to the Government, all available security and collateral against which the loans under this title shall be secured.

“(2) **APPLICABILITY IN CERTAIN CASES.**—In the case of an eligible automobile manufacturer referred to in paragraph (1), the securities of which are not traded on a national securities exchange, a loan under this title to the eligible automobile manufacturer shall—

“(A) be treated as a loan to any holding company of, or company that controls a majority stake in, the eligible automobile manufacturer; and

“(B) be senior and prior to all obligations, liabilities, and debts of any such holding company or company that controls a majority stake in the eligible automobile manufacturer.

“(e) **ADDITIONAL TAXPAYER PROTECTIONS.**—

“(1) **DISCHARGE.**—A discharge under title 11, United States Code, shall not discharge an eligible automobile manufacturer, or any successor in interest thereto, from any debt for financial assistance received pursuant to this title.

“(2) **EXEMPTION.**—Any financial assistance provided to an eligible automobile manufacturer under this title shall be exempt from the automatic stay established by section 362 of title 11, United States Code.

“(3) **INTERESTED PARTIES.**—Notwithstanding any provision of title 11, United States Code, any interest in property or equity rights of the United States arising from financial assistance provided to an eligible automobile manufacturer under this title shall remain unaffected by any plan of reorganization, except as the United States may agree to in writing.

“SEC. 410. OVERSIGHT AND AUDITS.

“(a) **COMPTROLLER GENERAL OVERSIGHT.**—

“(1) **SCOPE OF OVERSIGHT.**—The Comptroller General of the United States shall conduct ongoing oversight of the activities and performance of the President's designee.

“(2) **CONDUCT AND ADMINISTRATION OF OVERSIGHT.**—

“(A) **GAO PRESENCE.**—The President's designee shall provide to the Comptroller General appropriate space and facilities for purposes of this subsection.

“(B) **ACCESS TO RECORDS.**—To the extent otherwise consistent with law, the Comptroller General shall have access, upon request, to any information, data, schedules, books, accounts, financial records, reports, files, electronic communications, or other papers, things, or property belonging to or in use by the President's designee, at such reasonable time as the Comptroller General may request. The Comptroller General shall be afforded full facilities for verifying transactions with the balances or securities held by depositaries, fiscal agents, and custodians. The Comptroller General may make and retain copies of such books, accounts, and other records as the Comptroller General deems appropriate.

“(3) **REPORTING.**—The Comptroller General shall submit reports of findings under this section to Congress, regularly and not less frequently than once every 60 days. The Comptroller General may also submit special reports under this subsection, as warranted by the findings of its oversight activities.

“(b) **SPECIAL INSPECTOR GENERAL.**—It shall be the duty of the Special Inspector General established under section 121 of Public Law 110-343 to conduct, supervise, and coordinate audits and investigations of the President's designee in addition to the duties of the Special Inspector General under such section and for such purposes. The Special Inspector General shall also have the duties, responsibilities, and authorities of inspectors gen-

eral under the Inspector General Act of 1978, including section 6 of such Act. In the event that the Office of the Special Inspector General is terminated, the Inspector General of the Department of the Treasury shall assume the responsibilities of the Special Inspector General under this subsection.

“(c) **ACCESS TO RECORDS OF BORROWERS BY GAO.**—Notwithstanding any other provision of law, during the period in which any financial assistance provided under this title is outstanding, the Comptroller General of the United States shall have access, upon request, to any information, data, schedules, books, accounts, financial records, reports, files, electronic communications, or other papers, things, or property belonging to or in use by the eligible automobile manufacturer, and any subsidiary, affiliate, or entity holding an ownership interest of 50 percent or more of such eligible automobile manufacturer (collectively referred to in this section as ‘related entities’), and to any officer, director, or other agent or representative of the eligible automobile manufacturer and its related entities, at such reasonable times as the Comptroller General may request. The Comptroller General may make and retain copies of such books, accounts, and other records as the Comptroller General deems appropriate.

“SEC. 411. REPORTING AND MONITORING.

“(a) **REPORTING ON CONSUMMATION OF LOANS.**—The President's designee shall submit a report to the Congress on each bridge loan made under this title not later than 5 days after the date of the consummation of such loan.

“(b) **REPORTING ON RESTRUCTURING PROGRESS ASSESSMENT MEASURES.**—The President's designee shall submit a report to the Congress on the restructuring progress assessment measures established for each manufacturer under section 404(a) not later than 10 days after establishing the restructuring progress assessment measures.

“(c) **REPORTING ON EVALUATIONS.**—The President's designee shall submit a report to the Congress containing the detailed findings and conclusions of the President's designee in connection with the evaluation of an eligible automobile manufacturer under section 404(b).

“(d) **REPORTING ON CONSEQUENCES FOR FAILURE TO COMPLY.**—The President's designee shall submit a report to the Congress on the exercise of a right under section 408(e) to accelerate indebtedness of an eligible automobile manufacturer under this title or to cancel any other financial assistance provided to such eligible automobile manufacturer, and the facts and circumstances on which such exercise was based, before the end of the 10-day period beginning on the date of the exercise of the right.

“(e) **MONITORING.**—The President's designee shall monitor the use of loan funds received by eligible automobile manufacturers under this title, and shall report to Congress once every 90 days (beginning 30 days after the date of enactment of this title) on the progress of the ability of the recipient of the loan to continue operations and proceed with restructuring processes that restore the financial viability of the recipient and promote environmental sustainability.

“SEC. 412. REPORT TO CONGRESS ON LACK OF PROGRESS TOWARD ACHIEVING AN ACCEPTABLE NEGOTIATED PLAN.

“(a) **AUTHORITY TO FACILITATE A NEGOTIATED PLAN.**—At any such time as the President's designee determines that action is necessary to avoid disruption to the economy or to achieve a negotiated plan, the President's designee shall submit to Congress a report outlining any additional powers and authorities necessary to facilitate

the completion of a negotiated plan required under section 405.

“(b) IMPEDIMENTS TO ACHIEVING NEGOTIATED PLANS.—If the President's designee determines, on the basis of an evaluation by the President's designee of the progress being made by an eligible automobile manufacturer toward meeting the restructuring progress assessment measures established under section 404, that adequate progress is not being made toward achieving a negotiated plan by March 31, 2009, the President's designee shall submit to Congress a report detailing the impediments to achievement of a negotiated plan by the eligible automobile manufacturer.

“SEC. 413. SUBMISSION OF PLAN TO CONGRESS BY THE PRESIDENT'S DESIGNEE.

“Upon submission of a report pursuant to section 412(b), the President's designee shall provide to Congress a plan that represents the judgement of the President's designee as to the steps necessary to achieve the long-term viability, international competitiveness, and energy efficiency of the eligible automobile manufacturer, consistent with the factors set forth in section 405(b), including through a negotiated plan, a plan to be implemented by legislation, or a reorganization pursuant to chapter 11 of title 11, United States Code.

“SEC. 414. COORDINATION WITH OTHER LAWS.

“(a) IN GENERAL.—No provision of this title may be construed as altering, affecting, or superseding—

“(1) the provisions of section 129 of division A of the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009, relating to funding for the manufacture of advanced technology vehicles;

“(2) any existing authority to provide financial assistance or liquidity for purposes of the day-to-day operations in the ordinary course of business or research and development.

“(b) ANTITRUST PROVISIONS.—

“(1) IN GENERAL.—Subject to paragraphs (2) and (4), the antitrust laws shall not apply to meetings, discussions, or consultations among an eligible automobile manufacturer and its interested parties for the purpose of achieving a negotiated plan pursuant to section 405(a)(2).

“(2) EXCLUSIONS.—Paragraph (1) shall not apply with respect to price-fixing, allocating a market between competitors, monopolizing (or attempting to monopolize) a market, or boycotting.

“(3) ANTITRUST AGENCY PARTICIPATION.—The Attorney General of the United States and the Federal Trade Commission shall, to the extent practicable, receive reasonable advance notice of, and be permitted to participate in, each meeting, discussion, or consultation described in paragraph (1).

“(4) PRESERVATION OF ENFORCEMENT AUTHORITY.—Paragraph (1) shall not be construed to preclude the Attorney General of the United States or the Federal Trade Commission from bringing an enforcement action under the antitrust laws for injunctive relief.

“(5) SUNSET.—Paragraph (1) shall apply only with respect to meetings, discussions, or consultations that occur within the 3-year period beginning on the date of the enactment of this title.

“(6) DEFINITION.—For purposes of this subsection, the term ‘antitrust laws’—

“(A) has the same meaning as in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12(a)), except that such term includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45), to the extent that such section 5 applies to unfair methods of competition; and

“(B) includes any provision of State law that is similar to the laws referred to in subparagraph (A).

“SEC. 415. TREATMENT OF RESTRUCTURING FOR PURPOSES OF APPLYING LIMITATIONS ON NET OPERATING LOSS CARRYFORWARDS AND CERTAIN BUILT-IN LOSSES.

“Section 382 of the Internal Revenue Code of 1986 shall not apply in the case of an ownership change resulting from this title or pursuant to a restructuring plan approved under this title.

“SEC. 416. CLARIFICATION OF AVAILABILITY OF FINANCIAL SUPPORT FOR FINANCING ARMS.

“The authority of the President's designee to provide assistance to any eligible automobile manufacturer includes the authority to provide support to finance company affiliates of the manufacturer to ensure that such affiliates have the necessary resources to continue to provide needed credit, including through dealer and other financing of consumer and business auto and other vehicle loans and dealer floor plan loans.”.

TITLE IV—CLARIFICATION OF AUTHORITY

SEC. 401. CONSUMER LOANS.

Title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5211 et seq.) is amended by adding at the end the following new section:

“SEC. 137. CLARIFICATION OF AUTHORITY REGARDING CONSUMER LOANS.

“The authority of the Secretary to take any action under this title includes the authority to establish or support facilities to support the availability of consumer loans, including loans for autos and other vehicles and student loans, including through purchase of asset-backed securities, directly or through the Board or any Federal reserve bank.”.

SEC. 402. MUNICIPAL SECURITIES.

Section 103 of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5211) is amended by inserting after subsection (f) (as added by section 401 of this title) the following new subsection:

“(g) CLARIFICATION OF AUTHORITY REGARDING MUNICIPAL SECURITIES.—

“(1) CLARIFICATION.—The authority of the Secretary to take any action under this title includes the authority to provide support to State and local governments, and other issuers of municipal securities, which are having difficulty accessing appropriate financing in the capital markets. Such support includes the direct purchase of municipal securities and providing credit enhancement in connection with municipal securities whose purchase is financed under any facility provided by the Board or any Federal reserve bank.

“(2) DEFINITION.—For purposes of this subsection, the term ‘municipal security’ has the meaning given the term ‘State or local bond’ in section 103(c) of the Internal Revenue Code of 1986 (26 U.S.C. 103(c)) and the regulations issued thereunder.”.

SEC. 403. COMMERCIAL REAL ESTATE LOANS.

Title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5211 et seq.) is amended by adding after section 137 (as added by section 401 of this title) the following new section:

“SEC. 138. CLARIFICATION OF AUTHORITY REGARDING COMMERCIAL REAL ESTATE LOANS.

“The authority of the Secretary to take any action under this title includes the authority to establish or support facilities to support the availability of commercial real estate loans, including through purchase of asset-backed securities, directly or through the Board of Governors of the Federal Reserve System or any Federal reserve bank.”.

TITLE V—HOPE FOR HOMEOWNERS PROGRAM IMPROVEMENTS

SEC. 501. CHANGES TO HOPE FOR HOMEOWNERS PROGRAM.

Section 257 of the National Housing Act (12 U.S.C. 1715z–23) is amended—

(1) in subsection (e)—

(A) by striking paragraph (1);

(B) in paragraph (2)(B), by striking “90 percent” and inserting “93 percent”;

(C) by striking paragraph (7);

(D) in paragraph (9), by striking “by procuring” and all that follows through “by any other method”; and

(E) by redesignating paragraphs (2), (3), (4), (5), (6), (8), (9), (10), and (11) as paragraphs (1), (2), (3), (4), (5), (6), (7), (8), and (9), respectively;

(2) in subsection (h)(2), by striking “, or in any case in which a mortgagor fails to make the first payment on a refinanced eligible mortgage”;

(3) by striking subsection (i) and inserting the following new subsection:

“(i) ANNUAL PREMIUMS.—

“(1) IN GENERAL.—For each refinanced eligible mortgage insured under this section, the Secretary shall establish and collect an annual premium in an amount equal to not less than 0.55 percent of the amount of the remaining insured principal balance of the mortgage and not more than 0.75 percent of such remaining insured principal balance, as determined according to a schedule established by the Board that assigns such annual premiums based upon the credit risk of the mortgage.

“(2) REDUCTION OR TERMINATION DURING MORTGAGE TERM.—Notwithstanding paragraph (1), the Secretary may provide that the annual premiums charged for refinanced eligible mortgages insured under this section are reduced over the term of the mortgage or that the collection of such premiums is discontinued at some time during the term of the mortgage, in a manner that is consistent with policies for such reduction or discontinuation of annual premiums charged for mortgages in accordance with section 203(c).”;

(4) in subsection (k)—

(A) by striking the subsection heading and inserting “EXIT FEE”;

(B) in paragraph (1), in the matter preceding subparagraph (A), by striking “such sale or refinancing” and inserting “the mortgage being insured under this section”; and

(C) by striking paragraph (2);

(5) in subsection (s)(3)(A)(ii), by striking “subsection (e)(1)(B) and such other” and inserting “such”;

(6) in subsection (v), by inserting after the period at the end the following: “The Board shall conform documents, forms, and procedures for mortgages insured under this section to those in place for mortgages insured under section 203(b) to the maximum extent possible consistent with the requirements of this section.”;

(7) in subsection (w)(1)(C), by striking “(e)(4)(A)” and inserting “(e)(3)(A)”; and

(8) by adding at the end the following new subsection:

“(x) PAYMENT TO EXISTING LOAN SERVICER.—The Board may establish a payment to the servicer of the existing senior mortgage for every loan insured under the HOPE for Homeowners Program.”.

SEC. 502. FUNDING OF INCREASED HOPE FOR HOMEOWNERS PROGRAM CREDIT SUBSIDY COSTS.

Section 257 of the National Housing Act (12 U.S.C. 1715z–23) is amended by adding after subsection (x) (as added by section 501 of this title) the following new subsection:

“(y) FUNDING OF CREDIT SUBSIDY COSTS OF 2009 AMENDMENTS.—Notwithstanding section

1338(b) of the Housing and Community Development Act of 1992 (12 U.S.C. 4568(b)) and subsection (w) of this section—

“(1) to the extent amounts are available to the Secretary of the Treasury pursuant to section 118 of the Emergency Economic Stabilization Act of 2008, the Secretary shall use such amounts to cover any increase in the net costs to the Federal Government of the HOPE for Homeowners program under this section resulting from the amendments made by title V of the TARP Reform and Accountability Act of 2009, and actions authorized by title I of the Emergency Economic Stabilization Act of 2008 shall include such use; and

“(2) any remaining net costs to the Federal Government of the HOPE for Homeowners program under this section not resulting from the amendments made under this title shall be paid, and the Secretary of the Treasury shall be reimbursed for such costs, in accordance with the provisions of such section 1338 and subsection (w) of this section.”

TITLE VI—HOME BUYER STIMULUS

SEC. 601. HOME BUYER STIMULUS PROGRAM.

(a) IN GENERAL.—The Secretary of the Treasury (in this title referred to as the “Secretary”) shall carry out a program using the authority made available by section 1117 of the Housing and Economic Recovery Act of 2008 to stimulate demand for home purchases and reduce unsold inventories of residential properties, which shall include ensuring the availability of affordable interest rates on mortgages made for the purchase, by qualified home buyers, of 1- to 4-family residential properties.

(b) PURCHASE OBLIGATIONS AND SECURITIES USING HERA AUTHORITY.—The Secretary shall execute the program under this section through the purchase of obligations and other securities issued by—

(1) the Federal National Mortgage Association, pursuant to the authority under section 304(g) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1719(g)),

(2) the Federal Home Loan Mortgage Corporation, pursuant to the authority under section 304(1) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1455(1)), and

(3) any Federal Home Loan Bank, pursuant to the authority under section 11(1) of the Federal Home Loan Bank Act (12 U.S.C. 1431(1)),

as added by section 1117 of the Housing and Economic Recovery Act of 2008 (Public Law 110-289).

(c) USE OF LOAN ORIGINATORS AND PORTFOLIO LENDERS.—The program under this section shall provide mechanisms to ensure availability of such mortgages for home purchase having affordable interest rates through financial institutions that act as loan originators or as portfolio lenders.

(d) AVAILABILITY OF AFFORDABLE LOANS UNDER HOPE FOR HOMEOWNERS PROGRAM.—The Secretary, in consultation with the Secretary of Housing and Urban Development, shall ensure that the affordable interest rates made available through the program under this section are made available in connection with mortgages made for refinancing eligible mortgages, as such term is defined in section 257 of the National Housing Act (12 U.S.C. 1715z-23), to be insured under the HOPE for Homeowners Program under such section.

(e) TARGETING.—In carrying out the program under this section, the Secretary may take into consideration the impact of activities under the program on geographical areas having the greatest number of properties with foreclosed-upon mortgages.

TITLE VII—FDIC PROVISIONS

SEC. 701. PERMANENT INCREASE IN DEPOSIT INSURANCE.

(a) AMENDMENTS TO FEDERAL DEPOSIT INSURANCE ACT.—Section 11(a)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)) is amended—

(1) in paragraph (1)(E), by striking “\$100,000” and inserting “\$250,000”

(2) in paragraph (1)(F)(i), by striking “2010” and inserting “2015”;

(3) in subclause (I) of paragraph (1)(F)(i), by striking “\$100,000” and inserting “\$250,000”;

(4) in subclause (II) of paragraph (1)(F)(i), by striking “the calendar year preceding the date this subparagraph takes effect under the Federal Deposit Insurance Reform Act of 2005” and inserting “calendar year 2008”; and

(5) in paragraph (3)(A)(iii), by striking “, except that \$250,000 shall be substituted for \$100,000 wherever such term appears in such paragraph”.

(b) REPEAL OF EESA PROVISION.—Section 136 of the Emergency Economic Stabilization Act (Public Law 110-343; 122 Stat. 3765) is hereby repealed.

(c) AMENDMENT TO FEDERAL CREDIT UNION ACT.—Section 207(k) of the Federal Credit Union Act (12 U.S.C. 1787(k)) is amended—

(1) in paragraph (3)—

(A) by striking the opening quotation mark before “\$250,000”;

(B) by striking “, except that \$250,000 shall be substituted for \$100,000 wherever such term appears in such section”; and

(C) by striking the closing quotation mark after the closing parenthesis; and

(2) in paragraph (5), by striking “\$100,000” and inserting “\$250,000”;

SEC. 702. EXTENSION OF RESTORATION PLAN PERIOD.

Section 7(b)(3)(E)(ii) of the Federal Deposit Insurance Act (12 U.S.C. 1817(b)(3)(E)(ii)) is amended by striking “5-year period” and inserting “8-year period”.

SEC. 703. BORROWING AUTHORITY.

Section 14(a) of the Federal Deposit Insurance Act (12 U.S.C. 1814(a)) is amended—

(1) by striking “\$30,000,000,000” and inserting “\$100,000,000,000”; and

(2) by inserting prior to the last sentence, the following new sentence: “The Corporation may request in writing to borrow, and the Secretary may authorize and approve the borrowing of, additional amounts above \$100,000,000,000 to the extent that the Board of Directors and the Secretary determine such borrowing to be necessary.”.

SEC. 704. SYSTEMIC RISK SPECIAL ASSESSMENTS.

Section 13(c)(4)(G)(ii) of the Federal Deposit Insurance Act (12 U.S.C. 1823(c)(4)(G)(ii)) is amended to read as follows:

“(ii) REPAYMENT OF LOSS.—

“(I) IN GENERAL.—The Corporation shall recover the loss to the Deposit Insurance Fund arising from any action taken or assistance provided with respect to an insured depository institution under clause (i) from 1 or more special assessments on insured depository institutions, depository institution holding companies (with the concurrence of the Secretary of the Treasury with respect to holding companies), or both, as the Corporation determines to be appropriate.

“(II) TREATMENT OF DEPOSITORY INSTITUTION HOLDING COMPANIES.—For purposes of this clause, sections 7(c)(2) and 18(h) shall apply to depository institution holding companies as if they were insured depository institutions.

“(III) REGULATIONS.—The Corporation shall prescribe such regulations as it deems necessary to implement this clause. In prescribing such regulations, defining terms, and setting the appropriate assessment rate

or rates, the Corporation shall consider: the types of entities that benefit from any action taken or assistance provided under this subparagraph; economic conditions; the effects on the industry; and such other factors as the Corporation deems appropriate.”.

Mr. DAVIS of Illinois. Mr. Chair, I rise in strong support of the TARP Reform and Accountability Act. This bill greatly strengthens the safeguards for using taxpayer dollars for the TARP program. Two provisions promise to provide critical aid to Chicago. Requiring the Treasury to direct \$100 billion to foreclosure mitigation provides hope to the hundreds of thousands of Chicagoans and families across the Nation who are struggling with foreclosure. Moreover, directing the Treasury to use TARP funds to benefit small financial institutions will help strengthen these financial institutions that play such an important role in Chicago. Hundreds of community banks in Chicago are teetering on collapse. These companies provide important support to small businesses and minorities, and, as of yet, they have not received aid from the Treasury.

I especially want to thank Chairman FRANK for including language that highlights the importance of considering consumer protections when determining which classes of consumer loans to support. Congresswoman YVETTE CLARKE and I have worked actively along with 16 other Members to urge the Treasury and Federal Reserve to proceed cautiously when using taxpayer funds for the student loan industry, ensuring that both financial and consumer protections are considered. We strongly support ensuring that students have the money they need to attend institutions of higher education. However, we must make certain that any such plan aids students and does not simply line the pockets of for-profit lenders.

Certain groups of students require private student loans to attend school. Unlike Federal student loans, private student loans typically lack any form of consumer protection (such as fixed interest rates, income-contingent and income-based repayment options, or debt discharge in the case of disability or death). Moreover, private student loan lenders enjoy Federal protections from bankruptcy that other consumer creditors do not. Specifically, unlike other types of consumer debt, private student loans are protected from discharge during bankruptcy except under extreme circumstances. Thus, an individual who accumulates thousands of dollars in debt for purchases of cars or luxury goods can obtain relief via bankruptcy; however, a teacher with private student loans cannot.

Given these circumstances, we hope the Treasury and Federal Reserve will construct its student loan plan carefully to mitigate against adverse consequences for private student loan borrowers, especially in light of current economic conditions. Should taxpayer money be used to support private student lenders of non-federal loans, we strongly urge that the Treasury and Federal Reserve require consumer protections similar to those afforded to Federal student loans as a condition of receipt of Federal rescue funds. Federal student loans have consumer protections; private student loans subsidized by the Treasury-Fed plan should have such protections as well. Further, we recommend instituting steps to assess the underwriting standards of lenders who seek Federal relief to determine if the

lenders extended credit to particularly vulnerable consumers and whether credit was extended with onerous terms or conditions. Similar to the executive compensation restrictions of the Treasury-Fed plan, these restrictions would help focus Federal dollars on stimulating lending while protecting taxpayers and borrowers.

I thank Chairman FRANK and House leadership for developing this bill, and I urge my colleagues to support its passage.

Mr. HOYER. Mr. Chair, last fall, at the urging of President Bush, Treasury Secretary Paulson, and Federal Reserve Chairman Bernanke, Congress took extraordinary action to stabilize America's financial markets and limit the scope of an economic crisis. I know that the Troubled Assets Relief Program (TARP) was one of the most difficult votes that anyone in this Chamber had ever taken. But passing that bill was the right thing to do—and even with all of the turmoil of the past months, my mind hasn't changed.

On the other hand, I don't think anyone in this Chamber is happy with TARP, either. As it has done so many times in the last 8 years, the Bush administration failed to follow congressional intent when it came to executing a law. The administration has failed to fight the wave of foreclosures at the source of this crisis, and it did too little to maximize the effectiveness of TARP funds in helping to restore our economy's flow of credit. Nor did the administration adequately track how taxpayer money was spent to ensure that banks were using it for the intended purposes.

We cannot in good conscience approve another \$350 billion request without confidence that those failures will be remedied.

This bill strengthens accountability and oversight measures, so that we can get necessary loans flowing again to families and businesses. It requires detailed reports from recipients of TARP funds and ensures that those funds un-thaw credit. It provides even stronger limits on executive compensation, so that taxpayers can be sure their money is not funding million-dollar Park Avenue apartments for CEOs. It clarifies the Treasury Department's authority to use TARP funds to benefit small financial institutions, auto companies, consumers, and municipalities. And it insists that Treasury immediately commit \$100 billion to fight foreclosures and help Americans keep their homes.

President-elect Obama has promised that "we are going to fundamentally change some of the practices in using this next phase of the program." I agree wholeheartedly, and this bill is a strong first step toward that change. But I also want to make clear that the same high standards of oversight ought to apply to any administration, Republican or Democratic. TARP funds must be watched with the same diligence we would expect from any lender—and how much more so when the source of the funds is the American taxpayer, when the principal runs into twelve digits, and when the stakes are so high?

Mr. Chair, Lyndon Johnson said—in words I've quoted before on this floor and I'm sure I'll quote again—"It's not hard to do the right thing. It's hard to know what the right thing is."

In this crisis, the problems are as complex as our end goal is simple: Businesses hiring, families thriving, America growing once again. But I am convinced that passing this bill is the right thing today. I hope and trust that my colleagues will see it the same way.

Ms. CORRINE BROWN of Florida. Mr. Chair, I want to thank Chairman FRANK for his leadership in developing this bill. I appreciate the time you and your staff have spent on the issues important to the American people. You were instrumental in getting an amendment regarding tax credits in the manager's amendment.

I want to speak on the situation today. I voted for TARP when it was brought up last year. I am extremely disappointed as to how the banking industry used the taxpayer funds.

The way the administration disbursed the first half of the TARP funds was not in the interest of the American people. It was in the interest of those who caused this crisis in the first place. The investment bankers, and elite financiers in New York were the first in line to claim some money and then left nothing for the people holding the bag, the homeowners and the small businesspeople like those from my district in Florida.

The administration moved from helping those who held mortgages that were in foreclosure to bailing out the large banks. These banks took that money and put it in their pockets. They paid their shareholders and continued to pay bonuses to their executives. The banks called in their loans and eliminated lines of credit. They bought other banks. They closed businesses and used every legal means to get as much money as they could. What the banking industry did was not our intent.

The Europeans used the government money to help stimulate the economy. Every pound or euro given to banks was required to be loaned out. As opposed to the banks here who called in loans and did away with lines of credit.

I would like to ask Chairman FRANK a couple of questions at this time:

"Chairman FRANK, I am very concerned the money we are authorizing for the TARP program will not make it to the American people and will not be used for what we are intending it to be used for. We need to get money to people for (1) to end the foreclosures, of which thousands a day are happening all over the country, (2) auto loans—people can't get credit to buy a car and (3) school loans—the banks are calling in the notes, prohibiting our young people from getting an education.

The American people need this money.

What protections have you included in the bill to ensure this happens?"

Second, I have a question regarding the re-appraisal of real estate collateral that is affecting the home builders in our country. I have an amendment in front of the rules committee which would permit lenders to extend or modify loan terms for home builders, so they could continue to pay interest without forcing them to pay large sums to the principal while in this economic crisis.

I understand this issue is not covered by this bill. What assurances do I have that you will consider this issue in the future in your committee?

Mr. Chairman, thank you very much for your explanations. In my district, along with most of the country, people cannot get the loans to consume, which is the basis for our economy. I am pleased you included these provisions in the bill, to help small businesses all over our country.

Thank you for your hard work on this bill, to bring relief to those who are suffering from

foreclosures and for your firm leadership on this issue for the many years you have served the people of Massachusetts and America.

It is important the TARP funds being spent by the Administration be used for the benefit of the American people. From what I have seen, it does not.

Mr. DINGELL. Mr. Chairman, I rise in support of the manager's amendment to H.R. 384, the "TARP Reform and Accountability Act of 2009." Let me begin by thanking the distinguished chairman of the Committee on Financial Services for his fine work on H.R. 384, as well as for his cooperation in the past in my efforts to ensure that TARP funds were made available to the domestic automotive industry, as well as to domestic automotive financing companies. I look forward to working with him in the future to see that TARP funds are properly allocated and their use and effectiveness be subject to impartial oversight by the Congress.

As debate on the use of TARP funds has progressed, I have consistently maintained that recipients of those funds all be subject to uniform oversight requirements. It pleases me that the manager's amendment to H.R. 384 includes additional public reporting requirements for entities that have received or will receive TARP funds in the future.

The question of oversight aside, I have also long maintained that the root of the Nation's current economic crisis lies in the collapse of the housing market. Too little has been done in the past year to stabilize the market and help financially distressed homeowners. The manager's amendment wisely addresses this problem by requiring that a specific portion of the next tranche of TARP funds be dedicated to mitigate foreclosures on residential mortgages within 7 days of enactment of H.R. 384. This is of particular importance and will hopefully be of great assistance to my State, Michigan, which unfortunately has one of the Nation's highest foreclosure rates.

While stabilizing the housing market is a large part of the solution to the current recession, I must reiterate my belief that the Congress should take action to support the domestic manufacturing industry, and in particular, our ailing automakers. I would note that foreign markets for automobiles are contracting, and other governments are contemplating or have already taken measures to help automakers with production facilities in their countries. A key part of the automotive industry's troubles in the United States is the lack of credit available to consumers. The manager's amendment retains H.R. 384's grant of authority to the Treasury to provide support to the financing arms of automakers, which will in turn allow consumers and businesses access to previously unavailable lines of credit for the purchase of new vehicles. I voice my wholehearted support for this sensible provision, especially as the collective future of our automakers is tied directly to the health of their financing arms.

I would again thank the chairman for his gracious cooperation in the past on this and many other issues. The manager's amendment contains prudent measures to improve oversight and administration of the Troubled Asset Relief Program, and I would urge my colleagues to support its passage.

The Acting CHAIR. No amendment to the bill is in order except those printed in House Report 111-3. Each

amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. FRANK OF MASSACHUSETTS

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in House Report 111-3.

Mr. FRANK of Massachusetts. I rise to offer that amendment, Mr. Chairman.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. FRANK of Massachusetts:

Page 3, line 16, after the period insert the following: "Such reporting may be required directly for nondepository institutions or through the appropriate Federal banking agency, as provided in section 103."

Page 4, line 15, strike "As" and insert "Except as provided in section 105, as".

Page 4, line 18, before the second comma insert "made after the date of the enactment of the TARP Reform and Accountability Act of 2009".

Page 5, line 1, strike "funding" and insert "assistance".

Page 5, line 10, strike "funds" and insert "assistance".

Page 6, line 23, strike "funds" and insert "assistance".

Page 7, after line 11, insert the following:

(4) RENTER PROTECTION.—In the case of any foreclosure on any dwelling or residential real property securing an extension of credit made under a contract entered into after the date of the enactment of this Act, any successor in interest in such property pursuant to the foreclosure shall assume such interest subject to—

(A) the provision, by the successor in interest, of a notice to vacate to any bona fide tenant at least 90 days before the effective date of the notice to vacate; and

(B) the rights of any bona fide tenant, as of the date of such notice of foreclosure—

(i) under any bona fide lease entered into before the notice of foreclosure to occupy the premises until the end of the remaining term of the lease or the end of the 6-month period beginning on the date of the notice of foreclosure, whichever occurs first, subject to the receipt by the tenant of the 90-day notice under subparagraph (A); or

(ii) without a lease or with a lease terminable at will under State law, subject to the receipt by the tenant of the 90-day notice under subparagraph (A).

(5) BONA FIDE LEASE OR TENANCY.—For purposes of this paragraph (1), a lease or tenancy shall be considered bona fide only if—

(A) the mortgagor under the contract is not the tenant;

(B) the lease or tenancy was the result of an arms-length transaction; or

(C) the lease or tenancy requires the receipt of rent that is not substantially less than fair market rent for the property.

Page 7, line 14, strike "may permit an" and insert "shall permit an assisted".

Page 7, line 18, before the first period insert the following: ", and when such assistance is repaid, the Secretary shall liquidate warrants associated with such assistance at the current market price".

Page 8, line 6, strike "means" and insert "mean".

Page 8, strike lines 19 through 21 and insert the following:

"(1) STANDARDS REQUIRED.—Notwithstanding any—"

Page 8, line 25, strike "assisted institution" and insert "institution that became an assisted institution after the date of the enactment of the TARP Reform and Accountability Act of 2009".

Page 9, lines 6 through 8, strike "an assisted institution which received assistance under this title" and insert "such institution".

Page 10, strike lines 5 through 16.

Page 10, line 17, strike "(4)" and insert "(3)".

Page 10, line 23, strike "on or after" and insert "before".

Page 12, line 24, before the first period, insert ", and shall require such reports to be provided to the appropriate State bank supervisor (as defined in section 3 of the Federal Deposit Insurance Act)".

Page 13, line 4 and 5, strike "striking paragraph (1) and inserting" and inserting "adding at the end".

Strike line 6 on page 13 and all that follows through page 16, line 18, and insert the following:

"(4) AMOUNT.—For assistance provided after the date of the enactment of the TARP Reform and Accountability Act of 2009, and except as provided in title III of such Act, the warrants or instruments described in this section shall have a value at least equal to 15 percent of the aggregate amount of such assistance."

Strike line 23 on page 16 and all that follows through page 17, line 2.

Page 17, line 6, strike "make available funds" and insert "provide assistance".

Page 17, line 8, before the period insert ", including such institutions that are privately held".

Page 17, strike lines 9 through 12 and insert the following:

(b) COMPARABLE TERMS.—An institution that receives assistance after the date of the enactment of the TARP Reform and Accountability Act of 2009, shall do so on terms comparable to the terms applicable to institutions that received assistance prior to the date of the enactment of such Act of 2009: *Provided*, That the institution—

Page 17, line 13, strike "have submitted applications" and inserting "has submitted an application".

Page 17, line 18, strike "are" and insert "is".

Page 17, line 25, strike the comma and insert a period.

Page 18, strike lines 1 through 3.

Page 19, after line 12, insert the following:

SEC. 107. INCLUSION OF WOMEN AND MINORITIES.

(a) OFFICE OF MINORITY AND WOMEN INCLUSION.—The Secretary of the Treasury shall establish an Office of Minority and Women Inclusion, or designate an office of the entity, that shall be responsible for carrying out this section and ensuring compliance by the Secretary and each assisted institution (as such term is defined in section 3 of the Emergency Economic Stabilization Act of 2008) with the requirements of this section. The Office shall be responsible for all matters of the entity relating to diversity in management, employment, and business activities in accordance with such standards and requirements as the Secretary shall establish regarding the use of assistance provided under title I of such Act.

(b) INCLUSION IN ALL LEVELS OF BUSINESS ACTIVITIES.—The Secretary and each assisted institution shall develop and implement standards and procedures to ensure, to the

maximum extent possible, the inclusion and utilization of minorities (as such term is defined in section 1204(c) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1811 note)) and women, and minority- and women-owned businesses (as such terms are defined in section 21A(r)(4) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(r)(4)) (including financial institutions, investment banking firms, mortgage banking firms, asset management firms, broker-dealers, financial services firms, underwriters, accountants, brokers, investment consultants, and providers of legal services) in all business and activities of the Secretary and each assisted institution at all levels, including in procurement, insurance, and all types of contracts (including contracts for the issuance or guarantee of any debt, equity, or mortgage-related securities, the management of its mortgage and securities portfolios, the making of its equity investments, the purchase, sale and servicing of single- and multi-family mortgage loans, and the implementation of its affordable housing program and initiatives). The processes established by the Secretary and each assisted institution for review and evaluation for contract proposals and to hire service providers shall include a component that gives consideration to the diversity of the applicant.

(c) APPLICABILITY.—This section shall apply to all contracts of the Secretary of the Treasury and assisted institutions for services of any kind, including services that require the services of investment banking, asset management entities, broker-dealers, financial services entities, underwriters, accountants, investment consultants, and providers of legal services.

(d) REPORTS TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall report to the Congress detailed information describing the actions taken by the Office and assisted institutions pursuant to this section, which shall include a statement of the total amounts provided by the Secretary and assisted institutions under title I of the Emergency Economic Stabilization Act of 2008 to third party contractors since the last such report and the percentage of such amounts paid to businesses described in subsection (b) of this section.

SEC. 108. ANALYSIS OF USE OF ASSISTANCE.

(a) REQUIREMENT.—The Secretary of the Treasury shall regularly analyze timely and detailed information concerning the use of assistance provided under title I of the Emergency Economic Stabilization Act of 2008 by assisted institutions to ensure that the program established under title I of such Act is meeting the goals of the program.

(b) AGENCY COLLECTION.—The Secretary of the Treasury shall require the Federal banking agencies (as defined in section 3 of the Federal Deposit Insurance Act) and any other Federal agency the Secretary chooses to report detailed information to the Secretary on the use of assistance provided by the Secretary under the Emergency Economic Stabilization Act of 2008 in a standard electronic form on no less than a quarterly basis.

(c) SOURCE OF INFORMATION.—The data collected and analyzed under subsections (a) and (b)—

(1) shall come from existing reports filed by all assisted institutions where possible, including depository institutions and non-depository institutions, with the principal Federal regulator of each such institution, if any; and

(2) and should be sufficiently detailed and timely to enable the Secretary to determine the effectiveness of the program established

under title I of the Emergency Economic Stabilization Act of 2008 in stimulating prudent lending and strengthening bank capital.

(d) **ADJUSTMENTS AND RECOMMENDATIONS.**—If the Secretary of the Treasury determines that—

(1) the goals of the program established under title I of the Emergency Economic Stabilization Act of 2008 are not being met, the Secretary shall work with the Federal agencies supplying the information under subsection (b) to encourage such agencies to provide the recipients of assistance under such title with recommendations for better meeting the goals of the program; and

(2) the goals of the program are not being met following the recommendations and adjustments made in accordance with paragraph (1), the Secretary shall adjust the future uses of assistance provided under such title.

SEC. 109. DATABASE OF USE OF TARP FUNDS.

The Secretary of the Treasury shall create and maintain a fully searchable database, accessible on the Internet at no cost to the public, that contains the name of each entity receiving funds made available under section 115(a) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5225(a)) and the purpose for which such entity is receiving such funds.

Page 19, line 13, strike “107” and insert “110”.

Page 19, line 16, strike “subsection” and insert “subsections”.

Page 19, line 20, strike the quotation marks and the last period.

Page 19, line after line 20, insert the following:

“(g) **QUALIFIED PROPERTY.**—

“(1) **GUARANTEE.**—Upon the request of a lessee of qualified property in leases where the lessee economically defeased its rent and purchase option payments, the Secretary may serve as a guarantor with respect to all payment obligations of such lessee with respect to any defeased lease transaction that is in technical default because of a downgrade of a financial guarantor. Such guarantee shall be on such terms and conditions as are determined by the Secretary.

“(2) **DEFINITIONS.**—For purposes of this subsection, the following definitions shall apply:

“(A) **QUALIFIED PROPERTY.**—The term ‘qualified property’ means domestic property subject to a lease entered into prior to November 1, 2007, in which a State or local government authority (as defined in section 5302(a) of title 49, United States Code) is the lessee.

“(B) **GUARANTOR.**—The term ‘guarantor’ includes any guarantor, surety, and payment undertaker.”.

Page 20, before line 1 insert the following new section:

SEC. 111. INVESTMENT OF TARP FUNDS IN CREDIT UNIONS TAKEN INTO ACCOUNT IN DETERMINATION OF NET WORTH.

(a) **IN GENERAL.**—Section 216(o)(2) of the Federal Credit Union Act (12 U.S.C. 1790d(o)(2)) is amended by striking subparagraph (A) and inserting the following new subparagraph:

“(A) with respect to any insured credit union, means—

“(i) the retained earnings balance of the credit union, as determined under generally accepted accounting principles, together with any amounts that were previously the retained earnings of any other credit union with which the credit union has combined; and

“(ii) any donated equity, permanent, and perpetual capital deposits, or other primary capital made available under Title I of the Emergency Economic Stabilization Act of 2008, as determined by regulation or order of

the Board with due regard for the accepted capital standards for United States depository institutions generally; and”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect at the end of the 30-day period beginning on the date of the enactment of this Act.

SEC. 112. TREASURY FACILITATED AUCTION.

Section 113(b) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5223(b)) is amended to read as follows:

“(b) **USE OF MARKET MECHANISMS.**—

“(1) **IN GENERAL.**—In making purchases under this Act, the Secretary shall—

“(A) make such purchases at the lowest price that the Secretary determines to be consistent with the purposes of this Act; and

“(B) maximize the efficiency of the use of taxpayer resources by using market mechanisms, including auctions or reverse auctions, where appropriate.

“(2) **AUCTION FACILITATION.**—

“(A) **IN GENERAL.**—The Secretary shall, in coordination with institutions that volunteer to participate, and not using any funds under this title for purchases, facilitate an auction of troubled assets owned by such institutions to third party purchasers.

“(B) **REPORT.**—If the auction described in subparagraph (A) does not take place within the 3 month period following the date of the enactment of the TARP Reform and Accountability Act of 2009, the Secretary shall issue a report to the Congress stating—

“(i) why such auction has not taken place; and

“(ii) by what mechanism the Secretary feels that troubled assets could most expeditiously be valued and liquidated.”.

Page 20, after line 4, insert the following:

(a) **COMMITMENT OF RESOURCES.**—Notwithstanding any provision of title I of the Emergency Economic Stabilization Act of 2008, not later than seven days after the date of the enactment of the TARP Reform and Accountability Act of 2009, the Secretary of the Treasury (in this title referred to as the “Secretary”) shall commit funds made available to the Secretary under title I of the Emergency Economic Stabilization Act of 2008 in an amount of at least \$100,000,000,000, unless the Secretary certifies otherwise under subsection (d), but in no case less than \$40,000,000,000, for the purposes of foreclosure mitigation. Not less than \$20,000,000,000 of this amount shall be dedicated to the program described under section 204 of this Act. The Secretary shall consult with the Chairperson of the Board of Directors of the Federal Deposit Insurance Corporation regarding the administration of the program.

Page 20, line 5, strike “(a)” and insert “(b)”.

Page 20, strike “of the Treasury” in line 8 and all that follows through “‘Secretary’” in line 9.

Page 20, line 11, after “to” insert “use the funds committed under subparagraph (a) to”.

Page 20, strike lines 16 through 21. Strike “committing funds” in line 23 of page 20 and all that follows through “of 2008” on page 21, line 1.

Page 21, line 2, strike “(a)” and insert “(b)”.

Page 21, line 3, strike “by May 1, 2009.”.

Page 21, lines 4 and 5, strike “more than the minimum of \$40,000,000,000 as required” and insert “at least \$100,000,000,000 in the plan established”.

Page 21, lines 6 and 7, strike “, no later than May 15, 2009,” and insert “in the plan”.

Page 21, line 7, strike “additional funds” and insert “amounts”.

Page 21, after line 8, insert the following:

(e) **CLARIFICATION.**—For purposes of this title, the term “residential properties” shall include 1- to 4-family residential properties.

Page 21, line 11, strike “201(a)” and insert “201(b)”.

Page 21, lines 23 and 24, strike “one, or a combination of more than one,” and insert “the systematic foreclosure prevention and mortgage modification program under section 204 and a combination”.

Page 21, after line 25, insert the following:

(4) **WORKFORCE AND OUTREACH.**—The plan shall set forth how the Secretary intends to develop, second, or contract for appropriate staffing to carry out the plan and the component programs and to ensure that private mortgage servicers utilizing the programs established by the Secretary will provide sufficient staffing and resources to engage in the outreach, loss mitigation activities, and homeowner education necessary for successful foreclosure mitigation.

Page 22, line 2, strike “201(a)” and insert “201(b)”.

Page 22, strike lines 9 through 11.

Page 22, line 12, strike “(2)” and insert “(1)”.

Page 22, line 23, strike “(3)” and insert “(2)”.

Page 23, line 8, strike “(4)” and insert “(3)”.

Page 23, line 13, strike “(5)” and insert “(4)”.

Page 23, line 10, after “servicers” insert the following: “‘, including servicers that are not affiliated with a depository institution,”.

Page 23, line 19, after “Corporation” insert “, regional public-private partnerships,”.

Page 23, after line 22, insert the following:

(5) **SUBSTITUTION OF TRUST.**—A program under which modifications are allowed to the securitization trust agreements with respect to securities secured by pools of mortgages to allow a new qualified buyer to be substituted on a foreclosed property or a delinquent mortgage without seeking new financing.

Page 24, line 18, after “with” insert “the Chairperson of the Federal Deposit Insurance Corporation and”.

Page 27, line 19, strike “201(a)” and insert “201(b)”.

Page 28, line 3, strike “118” and insert “title I”.

Page 28, line 12, strike “204” and insert “205”.

Page 28, line 18, strike “201(a)” and insert “201(b)”.

Page 29, line 1, strike “205” and insert “206”.

Strike line 21 on page 31 and all that follows through page 32, line 2.

Page 32, line 3, strike “(c)” and insert “(b)”.

Page 32, line 10, strike “(d)” and insert “(c)”.

Page 32, after line 19, insert the following:

SEC. 207. FORECLOSURE PREVENTION FOR AFFORDABLE HOUSING.

Section 109 of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5219) is amended to read as follows:

“SEC. 109. FORECLOSURE MITIGATION EFFORTS.

“(a) **RESIDENTIAL MORTGAGE SERVICING STANDARDS.**—To the extent that the Secretary acquires mortgages, mortgage backed securities, and other assets secured by residential real estate, including multifamily housing, the Secretary shall implement a plan that seeks to maximize assistance for homeowners and renters and use the authority of the Secretary to encourage the servicers of the underlying mortgages, considering net present value to the taxpayer, to take advantage of the HOPE for Homeowners Program under section 257 of the National Housing Act or other available programs to minimize foreclosures. In addition, the Secretary may use loan guarantees and

credit enhancements to facilitate loan modifications to prevent avoidable foreclosures on single-family and multifamily housing.

“(b) COORDINATION.—The Secretary shall coordinate with the Corporation, the Board (with respect to any mortgage or mortgage-backed securities or pool of securities held, owned, or controlled by or on behalf of a Federal reserve bank, as provided in section 110(a)(1)(C)), the Federal Housing Finance Agency, the Secretary of Housing and Urban Development, and other Federal Government entities that hold troubled assets to attempt to identify opportunities for the acquisition of classes of troubled assets that will improve the ability of the Secretary to improve the loan modification and restructuring process and, where permissible, to permit bona fide tenants who are current on their rent to remain in their homes under the terms of the lease. In the case of a mortgage on a residential rental property, including a qualified low-income building under section 42 of the Internal Revenue Code of 1986, the plan required under this section shall include protecting Federal, State, and local rental subsidies and protections, and ensuring any modification takes into account the need for operating funds to maintain decent and safe conditions at the property.

“(c) CONSENT TO REASONABLE LOAN MODIFICATION REQUESTS.—Upon any request arising under existing investment contracts, the Secretary shall consent, where appropriate and considering net present value to the taxpayer, to reasonable requests by homeowners and owners of multifamily housing, including qualified low-income buildings under section 42 of the Internal Revenue Code of 1986, for loss mitigation measures, including term extensions, rate reductions, principal write downs, increases in the proportion of loans within a trust or other structure allowed to be modified, or removal of other limitation on modifications.”.

Page 32, line 20, strike “206” and insert “208”.

Page 33, after line 6, insert the following (and conform the Table of Contents accordingly):

SEC. 209. MORTGAGE MODIFICATION DATA COLLECTING AND REPORTING.

(a) REPORTING REQUIREMENTS.—Not later than 120 days after the date of the enactment of this Act, and quarterly thereafter, the Comptroller of the Currency, in coordination with the Director of the Office of Thrift Supervision, shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate, the Committee on Financial Services of the House of Representatives, and the Joint Economic Committee on the volume of mortgage modifications reported to the Office of the Comptroller of the Currency and the Office of Thrift Supervision, under the mortgage metrics program of each such Office, during the previous quarter, including the following:

(1) The total number of mortgage modifications resulting in each of the following:

- (A) Additions of delinquent payments and fees to loan balances.
- (B) Interest rate reductions and freezes.
- (C) Term extensions.
- (D) Reductions of principal.
- (E) Deferrals of principal.
- (F) Combinations of modifications described in subparagraph (A), (B), (C), (D), or (E).

(2) The total number of mortgage modifications in which the total monthly principal and interest payment resulted in the following:

- (A) An increase.
- (B) Remained the same.
- (C) Decreased less than 10 percent.
- (D) Decreased 10 percent or more.
- (b) DATA COLLECTION.—

(1) REQUIRED.—

(A) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Comptroller of the Currency and the Director of the Office of Thrift Supervision, shall issue mortgage modification data collection and reporting requirements to institutions covered under the reporting requirement of the mortgage metrics program of the Comptroller or the Director.

(B) INCLUSIVENESS OF COLLECTIONS.—The requirements under subparagraph (A) shall provide for the collection of all mortgage modification data needed by the Comptroller of the Currency and the Director of the Office of Thrift Supervision to fulfill the reporting requirements under subsection (a).

(2) REPORT.—The Comptroller of the Currency shall report all requirements established under paragraph (1) to each committee receiving the report required under subsection (a).

Page 52, strike “obligation” in line 19 and all that follows through “2008” in line 21 and insert “existing vested legal rights and the Constitution”.

Page 63, line 9, after the first period insert the following: “In determining which classes of consumer loans to support, the Secretary may consider the applicable regulatory structure and level of consumer protection afforded to such loans.”.

Page 63, line 11, strike “103” and insert “101”.

Page 63, line 13, strike “(f)” and insert “(g)”.

Page 63, line 13, strike “401” and insert “110”.

Page 63, line 15, strike “(g)” and insert “(h)”.

Page 64, line 8, before the first period insert the following: “or any other entity eligible to issue bonds the interest on which is excludable from gross income for Federal income tax purposes.”.

Page 64, line 19, after “estate loans,” insert “including loans for multifamily housing.”.

Page 64, after line 22, insert the following new sections:

SEC. 404. SMALL BUSINESS LOANS.

Title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5211 et seq.) is amended by adding after section 138 (as added by section 403 of this title) the following new section:

“SEC. 139. CLARIFICATION OF AUTHORITY REGARDING SMALL BUSINESS LOANS.

“The authority of the Secretary to take any action under this title includes the authority to establish or support facilities to support the availability of small business loans, including farm loans, loans to minority and disadvantaged businesses, debtor-in-possession financing, dealer floor plan financing, and any other small business loans, including through purchase of asset-backed securities, directly or through the Board or any Federal reserve bank.”.

SEC. 405. COMMERCIAL LOANS.

Title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5211 et seq.) is amended by adding after section 139 (as added by section 404 of this title) the following new section:

“SEC. 140. CLARIFICATION OF AUTHORITY REGARDING COMMERCIAL LOANS.

“The authority of the Secretary to take any action under this title includes the authority to establish or support facilities to support the availability of commercial loans, including through purchase of asset-backed securities, directly or through the Board or any Federal reserve bank.”.

SEC. 406. AUTOMOBILE FLEET PURCHASE LOANS.

Title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5211 et seq.) is amended by adding after section 140 (as

added by section 405 of this title) the following new section:

“SEC. 140. CLARIFICATION OF AUTHORITY REGARDING AUTOMOBILE FLEET PURCHASE LOANS.

“The authority of the Secretary to take any action under this title includes the authority to establish or support facilities to support the availability of automobile fleet purchase loans, including loans for the automobile rental industry and other fleet purchasers, including through purchase of asset-backed securities, directly or through the Board or any Federal reserve bank.”.

SEC. 407. CERTIFICATION.

Subsection (a) of section 105 of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5215(a)) is amended—

(1) in paragraph (2), by striking “and” at the end;

(2) in paragraph (3), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following new paragraph:

“(4) the use of the authority for the purposes specified in the amendments made by title IV of the TARP Reform and Accountability Act of 2009.”.

Strike line 1 on page 68 and all that follows through page 69, line 2.

Page 69, line 7, strike “carry out” and insert “establish and implement, within 60 days of the date of the enactment of the TARP Reform and Accountability Act of 2009.”.

Page 69, lines 8 and 9, strike “using the authority made available by section 1117 of the Housing and Economic Recovery Act of 2008”.

Page 69, lines 11 and 12, strike “which shall include ensuring” and insert “by providing mechanisms to ensure”.

Page 69, line 12, after “affordable” insert “, below-market”.

Strike line 15 on page 69 and all that follows through page 70, line 13, and insert the following:

(b) IMPLEMENTATION.—The Secretary shall execute the program under this section using the authority to purchase obligations and other securities issued by the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, and the Federal Home Loan Banks made available by the Housing and Economic Recovery Act of 2008 and such other authority as the Secretary may have (other than that provided by title I of the Emergency Economic Stabilization Act of 2008) to make affordable, below-market interest rates available directly through portfolio lenders.

Page 70, line 14, strike “(d)” and insert “(c)”.

Page 70, line 17, after “affordable” insert “, below-market”.

Strike line 24 on page 70 and all that follows through page 71, line 3, and insert the following:

(e) TARGETING FOR HOUSING DISASTER AREAS.—

(1) IN GENERAL.—In carrying out the program under this section, the Secretary shall take into consideration impact of activities under the program on housing disaster areas.

(2) REPORT.—Not later than 60 days after the Secretary first has authority to purchase troubled assets pursuant to section 115(a)(3) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5225(a)(3)), the Secretary shall—

(A) evaluate the impact of existing Federal foreclosure prevention activities on housing disaster areas;

(B) make a determination of whether the foreclosure rates and anticipated default rates in such areas have been adequately reduced; and

(C) submit a report to the Congress that describes the impact of such activities and the determination of the Secretary under subparagraph (B).

(3) **ALTERNATIVE PROPOSALS.**— If the Secretary determines that the foreclosure rates and anticipated default rates in housing disaster areas have not been adequately reduced, the Secretary shall—

(A) consider carrying out alternative proposals, including a proposal under which the Federal Government makes available affordable mortgages, including refinancings, through subsidized financing or mortgage purchases; and

(B) establish and carry out alternative programs as the Secretary considers necessary to ensure that foreclosure prevention efforts are most effective in the areas of greatest need, including housing disaster areas.

(4) **HOUSING DISASTER AREAS.**—For purposes of this section, the term “housing disaster area” means a geographic area having both—

(A) a high foreclosure rate during the 12 months preceding the date of the enactment of this Act, as measured by percentages of homes in or having gone through foreclosure during such period and compared to other areas; and

(B) a substantial decline in home prices during the 12 months preceding the date of the enactment of this Act, as measured by the Office of Federal Housing Enterprise and Oversight and compared to other areas.

Page 72, line 20, strike “1814(a)” and insert “1824(a)”.

At the end of the bill, add the following new title:

TITLE VIII—REPORTS ON THE GUARANTEE OF CERTAIN CITIGROUP ASSETS

SEC. 801. REPORTS REQUIRED.

(a) **TREASURY REPORTS.**—Not later than 30 days after the date of the enactment of this Act, the Secretary of the Treasury, in coordination with the Chairperson of the Board of Directors of the Federal Deposit Insurance Corporation, shall issue a report to the Committee on Financial Services of the House of Representatives, the Committee on Banking of the Senate, and to the Comptroller General of the United States containing the following:

(1) The authority under which the Citigroup guarantee and purchases were made.

(2) A complete accounting of the specific loans, securities, and any other financial instruments in the asset pool covered by the Citigroup guarantee.

(b) **GAO REPORT.**—Not later than 60 days after the date the Secretary of the Treasury issues the report required by subsection (a), the Comptroller General of the United States shall issue a report to the Committee on Financial Services of the House of Representatives and the Committee on Banking of the Senate examining the probable long-term cost to the Federal Government of the Citigroup guarantee.

(c) **CITIGROUP GUARANTEE DEFINED.**—For the purpose of this section, the term “Citigroup guarantee” means the agreement announced November 23, 2008, between Citigroup and the Treasury and the Federal Deposit Insurance Corporation to guarantee or purchase, partly through the use of funds authorized under the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5201 et seq.), an asset pool of approximately \$306 billion of loans and securities backed by residential and commercial real estate and other such assets on Citigroup’s balance sheet.

TITLE IX—GAO STUDY OF FINANCIAL CRISIS

SEC. 901. STUDY REQUIRED.

The Comptroller General of the United States shall—

(1) conduct an in-depth study of the root causes of the financial crisis; and

(2) submit a report to the Congress and the President, and transmit a copy to the Secretary of the Treasury, containing the findings and conclusions of the Comptroller General with respect to the study under paragraph (1), together with such recommendations for legislative and administrative action as the Comptroller General may determine to be appropriate before the end of the 6-month period beginning on the date of the enactment of this Act.

SEC. 902. TREASURY STRATEGY AND TIMELINE.

Using the findings and conclusions of the Comptroller General in the report under section 901(2), within 30 days, the Secretary of the Treasury shall issue an overall strategy and timeline for implementing the recommendations contained in the report with the goal of financial stability and the well-being of taxpayers.

The Acting CHAIR. Pursuant to House Resolution 62, the gentleman from Massachusetts (Mr. FRANK) and a Member opposed each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

□ 1115

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, when we determined that because the President was going to be triggering this request we should act on this bill, we sent out a notice to all Members inviting amendments. We received a large number of amendments and we agreed that many of them made a great deal of sense. Some of them we think clarify what was already the intention of the bill. This amendment includes a variety of those. There will be Members here on the floor who want to talk about it.

For example, you heard the gentleman from Kansas (Mr. MORAN) talk about the removal of the provision that would have restricted the use of private aircraft. That is one of the things that is in here. There are other things that are important to various Members who will be addressing them. They aim at enforcing better the accountability and essentially increasing some of the restrictions on the recipient institutions. I will be discussing these and other matters with some other Members.

At this point, I reserve the balance of my time.

Mr. GARRETT of New Jersey. Mr. Chairman, I claim the time in opposition.

The Acting CHAIR. The gentleman is recognized for 20 minutes.

Mr. GARRETT of New Jersey. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, just before this meeting out here on the floor, I was in my office back in Cannon meeting with and on the phone with constituents back at home discussing the fact of the difficult plight we find ourselves and the economy in in this country right now, specifically with regard to homeowners, the problems that they are

having with paying their mortgages and the like, the difficulty overall with the economy, with the rising unemployment rates, the problems in the credit markets and the like.

The question they ask, of course, is what is Congress about to do with this situation. The conversation always turns around to what has Congress done in the first place, and, of course, we know what that is.

Several months ago, I guess it was in September, this Congress was told by the administration and agreed to by the other side of the aisle that unless Congress acted expeditiously, the sky was going to fall in, and that what Congress had to do was authorize and appropriate \$700 billion to bail out the situation.

Well, we have since that time spent \$350 billion of that sum, and the callers that I heard from from home that I was just referring to before are saying, what did it achieve? What did we accomplish? Unemployment is still high, the housing market is still tight, home prices are still falling, and all that we really did was to bail out Wall Street, is the way some people couch it.

The question then comes up, how did we go through that process. I have to tell the people back at home, not in a very transparent and open manner. Quite honestly, it was in a rushed matter. We rushed through a piece of legislation that started out at three pages and then turns out to well over 100, without a single hearing, without a single markup, without a single discussion really in committee as to whether there would be transparency and accountability and the like.

Well, sir, now we are about to do the same thing next week, I understand, when President-elect Obama has requested that we spend the next \$350 billion, again without the appropriate oversight. So I commend the chairman for taking the step to try to begin to begin the process of providing some of that degree of accountability, transparency and oversight.

But I do raise the same question that the people asked me on the phone today that I was talking to: Why are we rushing to judgment on it? Why are we going through it in the same manner, the same failed policy reasons, the same procedural manner that we did before, without a hearing, without a discussion, without a markup in committee, so that both sides of the aisle could come together with their good ideas in order to achieve what the American public wants, to right the economy, to not put the taxpayer on a hook, and to do so that the taxpayer is protected. Why are we doing it in the same failed policy procedure we did in the past without that ability for input?

Now, the chairman will say, well, we have ability because the Rules Committee allowed a number of amendments. We will be debating those amendments shortly, 10 or 11 amendments I believe we will have at that point in time.

The chairman will agree that is not the best way to achieve what we are trying to for the American people. The best way is to have an open, honest discussion in committee, allow the experts to come in and testify, allow Members from both sides of the aisle to have input, and allow it to go through the committee to get that desired result.

That was not done with TARP 1, that really is not being done with TARP 2. So I rise in opposition to this failed policy and procedure that we are doing here today as well.

With that, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, I first yield myself 30 seconds to correct the gentleman from New Jersey.

The gentleman from New Jersey said that President Obama was requesting these funds. In fact, President Bush requested the funds. He did it after President-elect Obama asked him to, but I think it ought to be clear on the record, this is a continuation of the Bush policy and it was President Bush who in fact requested the funds. President Obama could not request them until next week. The President did it at the request of the President-elect, but it was President Bush who did it.

I now yield 2 minutes to the gentleman from Rhode Island (Mr. KENNEDY).

(Mr. KENNEDY asked and was given permission to revise and extend his remarks.)

Mr. KENNEDY. Thank you, Mr. Chairman. I rise to engage the chairman in a colloquy.

Mr. Chairman, I am extremely concerned at the current state of affairs with credit card regulations as my constituents see these extraordinary interest rates affecting their credit cards. I am appalled that companies continue to engage in predatory practices, like double-cycle billing and inadequate notification periods and retroactive rate hikes for these credit cards.

I am seeing these predatory practices continue, in spite of the fact that the Federal Reserve has recently finalized a rule that will ban many of these predatory practices. Unfortunately, these reforms are not scheduled to go into place until July 2010, and then they will save our consumers over \$10 billion a year.

I think it would be outrageous to see us bail out these banks, and yet see them also continue to gouge these consumers of ours, these taxpayers at the other end of the ledger on these predatory practices. I would like to work with the chairman to see that we address this issue in forthcoming legislation.

Mr. FRANK of Massachusetts. If the gentleman will yield, as he knows, because he was a strong supporter, the Committee on Financial Services, once we became the majority, in fact put through this House a bill that was even tougher in some ways than what the

Federal Reserve did, and I think was the spur to the Federal Reserve acting. Unfortunately, it wasn't acted on in the Senate, but I thought it was good that we passed it. I know there are Members who say if we can't know the Senate is going to pass something, we shouldn't even try. We have rejected that. We did pass that bill.

The gentlewoman from New York (Mrs. MALONEY) has been a leader here. She will be bringing that bill up again, and we want to apply those principles not just to TARP recipients, but to all credit card companies. We expect to do it quickly. The gentleman is absolutely right. We should not wait until 2010. I hope that we will have this bill on the floor by March, and we will be able, and the gentleman's input has been very helpful to us, to pass this bill that will become law very soon.

Mr. KENNEDY. I want to salute the gentleman for the transparency and accountability standards that he has in the manager's amendment, and encourage additional funds to go to the foreclosure problem that he has identified in his manager's amendment.

Mr. GARRETT of New Jersey. Mr. Chairman, I yield myself such time as I may consume.

It is interesting to find out that our chairman, who oftentimes berates our side of the aisle for distancing ourselves from our President, now I find that he is already distancing himself from the President-to-be, President-elect Obama.

While he is correct while being overly technical about it by saying that it was President Bush who actually filed the paperwork and made the submission to this House and to the Congress in order for the request of the additional TARP funds, he seems to be distancing himself from his party's candidate and his party's and all this Nation's President-elect Obama, for it was President-elect Obama who did go to President Bush and did request that this Congress facilitate the passage of the additional \$350 billion.

Now, the chairman may not like the fact that President-elect Obama is requesting it. Maybe, quite candidly, the chairman has the same concerns that I do, that President-elect Obama failed to give us a plan, which makes it hard for either one of us, quite candidly, to be able to discuss either in committee or here on the Floor in a rational and logical manner what it is exactly we will be spending the \$350 billion on.

So I will join with the chairman in being concerned and outraged that President-elect Obama has not given us a plan. But it is concerning that the chairman points to President Bush, when he knows it is President-elect Obama who instigated this in the first place.

But I will yield.

Mr. FRANK of Massachusetts. The gentleman has transformed my correcting his error into distancing myself from President Obama. I said when I got up that it was done by President

Bush at the request of President Obama.

Mr. GARRETT of New Jersey. I reclaim my time. Thank you. I understand what he said before, but then you have to always point to the words that came after that, and he was alluding to the fact that it actually came to the floor from President Bush when, yes, it was President-elect Obama who initiated it.

But for the fact that President-elect Obama initiated it, President Bush, as far as I know, has never made a statement that he would have unilaterally made that request. I have never seen anything in the media, and I may be wrong, but I have never seen anything in the media or otherwise saying that President Bush was about to come to this Congress and ask for those additional funds.

It was President-elect Obama, for good or for bad, and I think for the fact that we don't have a plan here, quite candidly, Mr. Chairman, to discuss and debate today, more for the bad than the good that we are coming here without such a plan.

I reserve the balance of my time.

Mr. FRANK of Massachusetts. I will yield myself 1 minute.

The gentleman from New Jersey has built that castle in the air because I corrected his flat error. He said President-elect Obama asked for it. He did not. I said that President Bush asked for it at the request of President-elect Obama. How my correcting his error became distancing myself from the new President is beyond me.

In fact, President Bush's administration did want the second \$350 billion. The gentleman is wrong in saying they didn't. Secretary Paulson was deterred from doing that, however, because we told him that we were sufficiently disappointed in the way it had been administered and that if he asked for it we would probably reject it, and that only if he came to some agreement with the new President and the Congress could that go forward. So those are the facts.

Yes, the outgoing administration wanted it. They withheld because they were told they wouldn't get it unless they had cooperation, and then the two administrations jointly did that. There is no distancing when I make that point.

In fact, the central point here about the TARP is this: We believe quite to the opposite that we are distancing ourselves from Mr. Obama. We believe that because Bush used this badly is no reason to give Obama not a chance to use it well.

I now yield 2 minutes to the gentleman from Kansas (Mr. MOORE).

Mr. MOORE of Kansas. Mr. Chairman, I thank the chairman.

Mr. Chairman, I rise today in support of Chairman FRANK's manager's amendment and the underlying legislation. I want to thank Chairman FRANK and his excellent staff for working with me to address a concern I had with the original draft bill.

On Tuesday, I talked to our Kansas Governor, Kathleen Sebelius. We were concerned about a provision in the bill that would have required financial firms participating in TARP to divest their companies of corporate business aircraft.

While it is clear that the auto executives were very insensitive to the American taxpayers when they flew in their private jets last November to request billions of dollars in Federal assistance, a blanket prohibition against the corporate use of business aircraft would have had the unintended consequence of hurting the general aviation industry and its workers, which is important to Kansas.

With nearly 44,000 Kansans who work for aviation companies like Cessna, Beechcraft, Learjet and Boeing, as well as their contracting counterparts like Garmin and Honeywell, many Kansas families depend on this industry. And the impact would have been felt not just in Kansas. General aviation contributes more than \$150 billion a year to the U.S. economy and employs more than 1.2 million people.

I want to thank again Chairman FRANK and his staff for responding to our concerns and for striking this provision. This is good news for Kansans and aviation workers across this country. These are difficult times. I urge my colleagues to support the manager's amendment and this bill to ensure these TARP funds are responsibly allocated with strong oversight protections for the American taxpayer.

Mr. GARRETT of New Jersey. Mr. Chairman, I yield 5 minutes to the gentleman from Texas (Mr. HENSARLING), a leader on this issue and more importantly a leader on the issue of reviving our economy in general and in a free market manner which will not put the American taxpayer on the hook.

Mr. HENSARLING. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I again question why we are even here today. I observe again that those who have risen to be the largest critics of the TARP bill were the ones who wrote the TARP bill. So, number one, why weren't the standards, the accountability, the provisions that some are seeking today, why weren't they there originally? That is question number one.

Question number two is: Why are we having to have a vote that turns off the spigot of an extra \$350 billion of taxpayer money, as opposed to turn it on?

So why are we even having to have this vote, Mr. Chairman, I think is an interesting question that the American people want to know the answer to.

Now, already if you look at the actions of the Federal Reserve, if you look at the actions of Treasury, Mr. Chairman, we are already up to somewhere in the neighborhood of \$7 trillion to \$8 trillion of potential liability taxpayer exposure. I don't necessarily believe the taxpayer will have to pay it all. I hope and pray that the taxpayer will get some return on his investment.

□ 1130

But to sit here and say that unless Congress somehow authorizes the incoming President to spend an extra \$350 billion that we could spend ourselves, and to give him this authority, without any plan being presented whatsoever, I mean, Mr. Chairman, that's just something I don't understand. It's not something that the constituents that I represent in the Fifth District of Texas understand.

Now, I do believe that the chairman is right on a couple of instances, that, yes, we need to know how institutions who are receiving TARP funds actually spend it. That's important. We need to have some kind of measurement of success to know what's actually happening here.

But I look at the provisions of the strings that he's attempting to attach after the fact, when, if this was a horse leaving the barn, I don't think we've seen much left but his tail. But when I look at the strings that are being attached here, I mean, Number 1, we have explicit language here that most of us have concluded is picking winners and losers in our economy, express language dealing with the auto companies.

Now, I don't want to see the auto companies fail. Nobody in America does. But name me an industry in America that isn't struggling. Is Congress so wise that they can decide which industries are deserving the taxpayer bailout and which aren't?

It's one thing for the Federal Government to try to monitor the money supply, ensure that the money supply is proper, that would hopefully lift all industries, help all families, help all job creators and those who have the jobs.

But it's another to start saying, well, here's the explicit plan for the auto industry. And if it's the auto industry today, is it the airlines industry tomorrow? Who is it next week?

Again, how can everybody who's struggling bail out everybody else who's struggling?

And what has become of all of this money?

Again, it's not like this is the only \$350 billion lying around. The Federal Reserve already has a number of credit facilities that are set up. We don't even know the full impact of the first \$350 billion.

And so now we have a plan that, as I understand, and I believe I've heard the chairman say that the Senate does not intend to vote on this, which is another reason I question the use of the House's time on this matter. But trying to have a provision that picks winners and losers in our economy and, specifically, in our housing industry as well.

We know about the tragic circumstances in our housing industry. But what's going to make it even more tragic, Mr. Chairman, is to take money away from people who are current on their mortgages, or who rent, or who own their homes outright, to give the money to people who aren't current in their mortgage.

Now, there's a couple of reasons people aren't current in their mortgages. Number 1, maybe it's through no fault of their own. Maybe they were duped by a predatory lender. Maybe they had a serious illness. Maybe they had a loss of job. I mean, these are serious setbacks, and I would hope that we could help these people.

But, Mr. Chairman, there's a huge universe of people who engaged in predatory borrowing, out-and-out mortgage fraud. There's a universe of people who decided they would turn their homes into an ATM machine, and now they expect their neighbor to bail them out. There's a whole group who didn't really buy a home, they bought an investment and they decided to live in it, and now they expect their neighbor to bail them out.

When you're struggling to pay your mortgage, Mr. Chairman, you shouldn't be compelled to have to pay your neighbors' as well.

For all these reasons, this amendment should be defeated.

Mr. FRANK of Massachusetts. Mr. Chairman, I first yield myself 1 minute to say that I appreciate the intellectual honesty of the gentleman from Texas (Mr. HENSARLING). He opposes one of the major thrusts of this bill and one of the major criticisms many of us had of the Bush administration, namely, the foreclosure relief. And the gentleman opposed these efforts.

I must say that I am encouraged by the Bush appointee, Secretary of HUD, Mr. Preston, the Bush appointee as head of the FDIC, Ms. Bair, both of whom believe that we can do foreclosure protection with the tools in this bill, and that it can be done effectively. But I appreciate this is a genuine difference between us and I appreciate the gentleman articulating it.

In 2007, this House passed a bill to restrict subprime lending of an inappropriate sort aimed at both borrowers and lenders. It would have made it impossible for people to borrow inappropriately, as well as to lend. The gentleman, I believe, opposed that. Many others, the gentleman from New Jersey did. There were some important philosophical differences.

The Wall Street Journal, which today denounces us for trying to do foreclosure relief, denounced us at the time. They said when we passed the bill to restrict subprime lending, it was an undue interference in the market, and we're going to keep people from owning homes.

The Acting CHAIR. The time of the gentleman has expired.

Mr. FRANK of Massachusetts. I yield myself an additional 30 seconds.

So just to be clear, whether or not there should be Federal programs as advocated by FDIC Chair Bair, Secretary of HUD Preston and many others, whether or not there should be Federal programs to reduce foreclosure, is a very defining difference between most of us on this side and most on the other side; although there

are many on the Republican side who do agree with us that we should try to abate foreclosures, not just as a matter of compassion, but as central to solving our economic problem.

I now yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE). (Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Let me thank the chairman very much. And I might just simply say that I remember the haggling previously in the last year about this bill. And one of the issues was the veto threat of the President in not allowing us to add language earlier. We fought for it.

Let me thank the chairman very much for what we've all fought for over the years, over the last couple of months, and that is the amount of, if you will, mortgage set aside money. I want to announce that over and over again, that there is now money included in here to directly work with my constituent who I sat down at her kitchen table. She gets \$18,000 a year, but she's hardworking and she had a home that she could afford, except for the adjustable rate. So I want to thank for that. And it is something that I want more. We all want more, but we're starting out in that direction to be able to focus on mortgage workouts.

Mr. Chairman, I'd like to engage in a colloquy at this time. Quickly, the Treasury Department has yet to issue the necessary guidelines for about 3,000 additional private banks. Most of them are set up as partnerships with no more than 100 shareholders. They are not able to issue preferred shares to the government in exchange for capital injections at other banks. However, they are very vital to the inner city. And I ask, in our work together, whether or not if you can explain the language.

Mr. FRANK of Massachusetts. If the gentlewoman would yield.

Ms. JACKSON-LEE of Texas. I'd be happy to yield.

Mr. FRANK of Massachusetts. She's absolutely right. I appreciate her calling this to our attention. We have amended the bill to take into account these private banks, many of which serve lower-income communities and are themselves people of experience in this area.

As I said yesterday when the question came up about mutuals, the form of ownership should not be determinative here. Whether or not they are performing a valid function in the economy and whether or not they can use these funds responsibly is all that should cover. So we did amend the bill at the gentlewoman's request in that manner.

Ms. JACKSON-LEE of Texas. We thank you very much. And the language does move this along, and I want to thank you.

Quickly, let me also thank you for regulating the automobile industry, which you promised to do, which you also worked specifically to provide

more credit to the automobile industry. But in that light we talked about—

The Acting CHAIR. The time of the gentlewoman has expired.

Mr. FRANK of Massachusetts. I yield the gentlewoman 30 seconds.

Ms. JACKSON-LEE of Texas. We talked about minority participation. You have now some language that says, not only can they benefit as small businesses from loans, but they can service or participate in that process of doing business.

Mr. FRANK of Massachusetts. If the gentlewoman would yield.

Ms. JACKSON-LEE of Texas. I'd be happy to yield.

Mr. FRANK of Massachusetts. Yes. In fact, it will make the administration better if those administering it have knowledge of and represent the whole range of people to whom this is aimed. And I thank the gentlewoman.

Ms. JACKSON-LEE of Texas. Well, let me thank you specifically for the Office of Minority and Women Inclusion. It is a great edition. And I would say this is a tough business. People are hurting. It's time to move forward on a newly regulated TARP, the American people's taxpayer dollars will be protected.

Mr. Chair, I rise today in strong support of H.R. 384, the Troubled Assets Relief Program, TARP, Reform and Accountability Act of 2009. This bill will amend the TARP provisions of the Emergency Economic Stabilization Act of 2008, EESA, to strengthen accountability, close loopholes, increase transparency, and most importantly, require the Treasury Department to take significant steps on foreclosure mitigation.

Mr. Chair, I was particularly pleased to work with Chairman FRANK and his staff on significant portions of the manager's amendment to this legislation which ensures that small and minority businesses along with local, community, and private banks gain fair and equitable access to the TARP funds.

It has been 3 months since the Treasury started disbursing TARP funds. Just in time perhaps for a lot of big banks; however, smaller banks have been locked out so far. A lot of small banks certainly are in need of relief as the real estate crisis continues to unfold and hundreds have already applied.

According to recent reports, the Treasury Department has yet to issue "the necessary guidelines for about 3,000 additional private banks. Most of them are set up as partnerships, with no more than 100 shareholders. They are not able to issue preferred shares to the government in exchange for capital injections, as other banks can." While Treasury officials state they are "working on a solution," for these private banks time is of the essence.

The Treasury Department has handed out more than \$155 billion to 77 banks. Of that sum, \$115 billion has gone to the eight largest banks. Community banks hold 11 percent of the industry's total assets and play a vital role in small business and agriculture lending. Community banks provide 29 percent of small commercial and industrial loans, 40 percent of small commercial real estate loans, and 77 percent of small agricultural production loans.

This manager's amendment requires that the Treasury Department act promptly to per-

mit smaller community financial institutions that have been shut out so far to participate on the same terms as the large financial institutions that have already received funds.

Small businesses are the backbone of our Nation, and unfortunately, they have not been afforded the opportunity that large financial institutions have received to TARP funds and loans. Small businesses represent more than the American dream—they represent the American economy. Small businesses account for 95 percent of all employers, create half of our gross domestic product, and provide three out of four new jobs in this country. Small business growth means economic growth for the Nation. We cannot stabilize and revitalize our economy without ensuring the inclusion and participation of the small business segment of our economy. With the ever worsening economic crisis, we must ensure in this legislation that small and minority businesses and community banks are afforded an opportunity to benefit from this important legislation. I am very pleased that the manager's amendment will effect this change.

In Section 107, the manager's amendment creates an Office of Minority and Women Inclusion, which will be responsible for developing and implementing standards and procedures to ensure the inclusion and utilization of minority and women-owned businesses. These businesses will include financial institutions, investment banking firms, mortgage banking firms, broker-dealers, accountants, and consultants.

Furthermore, the inclusion of these businesses should be at all levels, including procurement, insurance, and all types of contracts such as the issuance or guarantee of debt, equity, or mortgage-related securities. This office will also be responsible for diversity in the management, employment, and business activities of the TARP, including the management of mortgage and securities portfolios, making of equity investments, the sale and servicing of mortgage loans, and the implementation of its affordable housing programs and initiatives.

Section 107 also calls for the Secretary of the Treasury to report to Congress in 180 days detailed information describing the actions taken by the Office of Minority and Women Inclusion, which will include a statement of the total amounts provided under TARP to small, minority, and women-owned businesses. The manager's amendment in Section 404 also has clarifying language ensuring that the Secretary has authority to support the availability of small business loans and loans to minority and disadvantaged businesses.

This will be critical to ensuring that small and minority businesses have access to loans, financing, and purchase of asset-backed securities directly through the Treasury Department or the Federal Reserve.

H.R. 384 reforms TARP by increasing oversight, reporting, monitoring and accountability. It requires any existing or future institution that receives funding under TARP to provide no less than quarterly public reporting on its use of TARP funding. Any insured depository institution that receives funding under TARP is required to report quarterly on the amount of any increased lending, or reduction in decrease of lending and related activity attributable to such financial assistance.

In connection with any new receipt of TARP funds, Treasury is also required to reach an

agreement with the institution, and its primary Federal regulator on how the funds are to be used and benchmarks the institution is required to meet so as to advance the purposes of the act to strengthen the soundness of the financial system and the availability of credit to the economy. In addition, a recipient institution's primary Federal regulator must specifically examine use of funds and compliance with any program requirements, including executive compensation and any specific agreement terms.

Mr. Chair, I am pleased that this legislation has strong requirements regarding executive compensation. For any new receipt of TARP funds, except those by small financial institutions, this legislation applies the most stringent non-tax executive compensation restrictions from EESA across the board including:

1. Requiring Treasury to prohibit incentives that encourage excessive risks,
2. Providing for claw-back of compensation received based on materially inaccurate statements; and
3. Prohibits all golden parachute payment for the duration of the investment.

Included in this legislation is a requirement of government board representation by authorizing Treasury to have an observer at board or board committee meetings of recipient institutions. This legislation changes the structure and authority of TARP board—the Financial Stability Oversight Board is expanded to include the Chairman of the FDIC and two additional members who are not currently Federal employees, who shall be appointed by President and subject to Senate confirmation. The Board will have the authority to overturn policy decisions of the Treasury Secretary by a two-thirds vote.

Mr. Chair, the act provides that the second \$350 billion is conditioned on the use of up to \$100 billion, but no less than \$40 billion, for foreclosure mitigation, with plan required by March 15, 2009. By that date, the Secretary shall develop, subject to TARP Board approval, a comprehensive plan to prevent and mitigate foreclosures on residential mortgages. The Secretary shall begin committing TARP funds to implement the plan no later than April 1, 2009. The Secretary must certify to Congress by May 15, 2009, if he has not committed more than required minimum \$40 billion.

The foreclosure mitigation plans must apply only to owner-occupied residences and shall leverage private capital to the maximum extent possible consistent with maximizing prevention of foreclosures. Treasury must use some combination of the following program alternatives:

1. Guarantee program for qualifying loan modifications under a systematic plan, which may be delegated to the FDIC or other contractor;
2. Bringing costs of Hope for Homeowner loans down, beyond mandatory changes in Title V below, either through coverage of fees, purchasing H4H mortgages to ensure affordable rates, or both;
3. Program for loans to pay down second lien mortgages that are impeding a loan modification subject to any writedown by existing lender Treasury may require;
4. Servicer incentives/assistance—payments to servicers in connection with implementation of qualifying loan modifications; and
5. Purchase of whole loans for the purpose of modifying or refinancing the loans with authorization to delegate to FDIC.

In consultation with the FDIC and HUD and with the approval of the Board, Treasury may determine that modifications to an initial plan are necessary to achieve the purposes of this act or that modifications to component programs of the plan are necessary to maximize prevention of foreclosure and minimize costs to the taxpayers.

A safe harbor from liability is provided to servicers who engage in loan modifications, regardless of any provisions in a servicing agreement, so long as the servicer acts in a manner consistent with the duty established in Homeowner Emergency Relief Act, maximize the net present value, NPV, of pooled mortgages to all investors as a whole; engage in loan modifications for mortgages that are in default or for which default is reasonably foreseeable; the property is owner-occupied; the anticipated recovery on the mod would exceed, on an NPV basis, the anticipated recovery through foreclosure.

This bill requires persons who bring suit unsuccessfully against servicers for engaging in loan modifications under the act to pay the servicers' court costs and legal fees. It also requires servicers who modify loans under the safe harbor to regularly report to the Treasury on the extent, scope, and results of the servicer's modification activities.

In addition to the above requirements, an oversight panel is required to report to Congress by July 1 on the actions taken by Treasury on foreclosure mitigation and the impact and effectiveness of the actions in minimizing foreclosures and minimizing costs to the taxpayers.

H.R. 384 clarifies and confirms Treasury authorization to provide assistance to automobile manufacturers under the TARP. With respect to the assistance already provided to the domestic automobile industry, includes conditions of the House auto bill, including long-term restructuring requirements.

There is further clarification on:

Treasury's authority to provide support to the financing arms of automakers for financing activities is clarified to ensure that they can continue to provide needed credit, including through dealer and other financing of consumer and business auto and other vehicle loans and dealer floor loans;

Treasury's authority to establish facilities to support the availability of consumer loans, such as student loans, and auto and other vehicle loans. Such support may include the purchase of asset-backed securities, directly or through the Federal Reserve;

Treasury's authority to provide support for commercial real estate loans and mortgage-backed securities; and

Treasury's authority to provide support to issuers of municipal securities, including through the direct purchase of municipal securities or the provision of credit enhancements in connection with any Federal Reserve facility to finance the purchase of municipal securities.

In addition, more reforms are enunciated for homeowners in title V. The home buyer stimulus provisions requires Treasury to develop a program, outside of the TARP, to stimulate demand for home purchases and clear inventory of properties, including through ensuring the availability of affordable mortgages rates for qualified home buyers.

In developing such a program Treasury may take into consideration impact on areas with

highest inventories of foreclosed properties. The programs will be executed through the purchase of mortgages and MBS using funding under HERA. Treasury will provide mechanisms to ensure availability of such reduced rate loans through financial institutions that act as either originators or as portfolio lenders.

Under this provision, Treasury has to make affordable rates available under this program available in connection with Hope for Homeowner refinancing program.

This legislation will give a permanent increase in FDIC and NCUA deposit insurance limits, it makes permanent the increase in deposit insurance coverage for banks and credit unions to \$250,000, which was enacted temporarily as part of the Emergency Economic Stabilization Act and is scheduled to sunset on December 31, 2009, and includes an inflation adjustment provision for future coverage.

Finally, I applaud Chairman FRANK and the Committee on Financial Services for their hard work on this important piece of legislation. In this economic climate it is critical for us to remember that while we need to assist our financial institutions, we cannot do this without implementing reforms to protect Americans' hard-earned money.

I strongly urge my colleagues to join me in support of this important legislation.

Mr. GARRETT of New Jersey. I first yield myself 30 seconds to respond to the chairman's question. Yes, there is a specific philosophical difference with regard to keeping people in their houses. As we know, both sides of the aisle want to do the best that the Federal Government can do in this area. And the administration has already set up a program, the HOPE program, and taken other actions to try to facilitate those people who are in difficult situations to remain in their houses.

But I believe it was Ms. WATERS on your side of the aisle that raised the same point similar to what I raised. What do we say to the person who has been on time paying their bills, which is over 90 percent of the American public homeowners, who has been paying their bill month after month after month on time and saying to them, well, you know what? We're going to use your tax dollars to subsidize the people across the street with a program to help them keep when they went over the amount they should be spending on their homes. And that is the philosophical difference that we have.

I yield now 2 minutes to the gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. Let me just start off by saying I'm opposed to all these bailouts.

But after having said, let me say that if we're going to do it we really need a comprehensive plan that's going to deal with the problems facing this country.

I had home builders come into my office last week, and they told me that their businesses are being re-appraised, and they're going to have to pay the difference between what the appraisal was initially and what it is now, and they're driving a lot of these home builders out of business.

I had some people who are commercial developers come in to see me last

week, and they told me that their commercial assets are being re-appraised, maybe 70 percent of what they were before, and they have to pay the difference between what they were getting and the 70 percent, and they're being driven out of business. So there's a huge cascading effect with all these problems that we're facing right now. And we're not addressing them in this bill or any of the other bills that I've seen.

You've got people who are losing their homes. You've got home builders that are going out of business. You've got commercial developers that are going out of business because of these re-appraisals, and there's nothing in the plans that I've seen that addresses these problems.

Mr. FRANK and I are good friends. But just throwing this money at these problems without any plan is actually crazy. And yet we did it with the first \$350 billion tranche, and we're going to do it again, and then we're going to come back with a \$1.2 trillion request in just another 2 or 3 weeks. I mean, we can't buy our way out of these problems. We have to have a sound business plan to deal with these problems. And if we don't do it, we're going to see a huge economic problem that's even worse than what we face today.

So I'd like to say to Mr. FRANK and my colleagues, before we start giving all this money away, why don't we really sit down with the people that are supposed to be administering this money and come up with a sound plan that affects the entire economy. I mean, if you're going to spend the money, we might as well do it the right way.

Mr. FRANK of Massachusetts. Mr. Chairman, first I'll yield myself 30 seconds to answer the question. What do we tell the person making mortgage payments why we are trying to help reduce foreclosures? And the major reason is that it is the improvident granting of these loans and the failure of many of these loans to pay off that is the single biggest cause of the financial crisis we're in. And a wide range of economists agree that until we reduce the rate of foreclosures which are embedded in so many securities that were, without regulation, scattered around the economic landscape, we will not be able to undo the economic problem we're in. So foreclosure diminution is part of our economic recovery plan.

It also, of course, hurts property values in general.

I now yield 1 minute to a very active member of our committee, the gentleman from Colorado (Mr. PERLMUTTER).

Mr. PERLMUTTER. Mr. Chairman, I rise in support of the manager's amendment and the bill. We're in a position where \$350 billion, without any conditions, is likely to be passed, or it's been requested and likely will go out the door.

These conditions are important, and the conditions that are added through

the manager's amendment are particularly important. One of the things we talked about with the original TARP bill was that money would, 1, buy mortgage portfolios, 2, recapitalize banks and 3, pass through various agencies to small businesses through the Federal home loan banks and through the farm credit administration.

This manager's amendment assures that money passes directly to people on Main Street, including the home builders that Mr. BURTON was just talking about, commercial realtors, commercial real estate, farmers, municipal bond dealers, so that credit all across the board is available to people and gets this economy back on track and loosens up credit across the United States.

And I support the manager's amendment and ask for an "aye" vote.

Mr. GARRETT of New Jersey. Mr. Chairman, I yield 3 minutes to Mr. SCHOCK from Illinois.

Mr. SCHOCK. Chairman FRANK, Ranking Member BACHUS and Congressman GARRETT, first let me thank you for the opportunity to come to the floor and speak today.

Chairman FRANK, I congratulate you on bringing this piece of legislation forward, and I admire the meticulous and bipartisan nature in which you have crafted it.

I would like also to thank you, the both of you, for the inclusion of my noncontroversial amendment into the manager's amendment. I believe this amendment represents a small but important step which will serve the good of the American people.

My amendment is very simple. It establishes a user-friendly Web site where the American people can quickly and accurately see where their money is going.

During debate yesterday, we heard the need for more oversight, more transparency, and more control over the flow of TARP funds.

□ 1145

I am glad that we here in Congress will be provided more information about TARP funds. However, what about the American people?

This is their money, and I believe they need to be able to track it. I hope that an online database will provide a helpful tool in this effort. In essence, this amendment seeks to create a Google for TARP. This Web site will clearly display who is using the money, for what purposes and how their dollars will ultimately cycle back to their pockets. I intend this Web site to be easily searchable and to contain information on both specific payments and on the aggregate amounts received by each receiving entity. This amendment is about accurate accounting, openness, fair government, transparency, and hopefully, one day, balancing our budget.

You know, when my constituents leave the grocery store, they know

three things—what they've spent, what they got for their money and how their purchases are going to help their families. Well, the American people deserve to know the same thing when they, for the very first time, are pouring billions of the same hard-earned dollars, which they used to purchase groceries, into the financial and housing markets. Americans should be able to identify what is being spent in their name.

Currently, the Treasury Department provides limited balance sheets, listing complex purchases on their Web site. The target audience of this Web site is for those applying for TARP funds, in other words, financial experts. It is not for those who are looking to see how their money is spent.

Well, I'm sure my constituents are very similar to yours. They're not high-powered New York City investment bankers. While they have not been a part of this problem, they're being asked to foot the bill for it. In doing so, it is their right to know where their money is going, for what programs it is being used and how it will benefit them in the long run.

While I support the bill we are considering today, I am concerned that these changes, while needed, will further confuse where this money is going. Funds will begin to cross over multiple government agencies to the point where anyone wanting to track the flow of money would have to visit multiple Web sites with his mouse in one hand and his calculator in the other. A person should not have to be a forensic accountant to decipher where his tax dollars are being allocated.

The Acting CHAIR. The time of the gentleman has expired.

Mr. FRANK of Massachusetts. I yield the gentleman an additional 30 seconds.

Mr. SCHOCK. Thank you, Mr. FRANK.

My hope is that, through this amendment, we can establish something similar to or what can become a part of what our President-elect has established under the Federal Funding Accountability and Transparency Act of 2006—the USAspending.gov Web site, a Web site explaining to the American people the different Federal agencies and how their hard-earned money is being spent to better their lives.

As I said, this is a commonsense amendment that seeks to improve the people's access to their government.

Mr. FRANK of Massachusetts. Would the gentleman yield to me the remaining few seconds?

Mr. SCHOCK. Yes, sir.

Mr. FRANK of Massachusetts. I just want to say the gentleman said his amendment was noncontroversial, but noncontroversial doesn't mean unimportant. It is a very thoughtful amendment. It will greatly advance things, and I appreciate his offering it.

The Acting CHAIR. The gentleman's time has expired.

Mr. FRANK of Massachusetts. I yield 2 minutes to one of the Members who has been most active in trying to deal

with this foreclosure problem that other Members think we should ignore. He is the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. Mr. Chairman, I rise today in support of the manager's amendment offered today by Chairman FRANK to H.R. 384, the TARP Reform and Accountability Act of 2009. I will also take this opportunity to commend his extraordinary leadership on this issue and to thank him and the Rules Committee for including language that I have proposed within the manager's amendment.

The language I offer requires the Comptroller of the Currency and the Director of the Office of Thrift Supervision to issue mortgage modification data collection and reporting requirements for the banks they regulate and to report this information back to Congress. This amendment is necessary for one clear reason:

In a December 8, 2008 report, the OCC announced that, within 3 months of an initial mortgage modification, nearly 36 percent of borrowers redefaulted by being more than 30 days past due. After 6 months, the rate was nearly 53 percent, and after 8 months, it was 58 percent.

Unfortunately, no one really knows the reasons behind these redefault rates. This language will help us gather the information we need to understand what is occurring and to understand, hopefully, why it is occurring.

Mr. Chairman, a RealtyTrac reported this morning that the foreclosure rate jumped to 81 percent in 2008 with one in every 54 households experiencing at least one foreclosure. This equates to nearly 2.3 million properties.

Foreclosure rates are projected to rise in the coming months, and it is, therefore, imperative to us to understand the nature of the modifications being made by lenders and whether they address the real needs of borrowers by creating terms borrowers can realistically meet.

It is our duty to protect homeowners and to ensure transparency, accountability and strict standards. H.R. 384 accomplishes these objectives.

Again, I want to thank Mr. FRANK for his efforts, and I want to urge my colleagues to support this amendment and the underlying bill.

Mr. GARRETT of New Jersey. Mr. Chairman, at this time, I yield another 2 minutes to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. I was listening carefully to the distinguished chairman of the Financial Services Committee when he introduced the previous speaker. He said the gentleman cared passionately about the foreclosure mitigation, and apparently, other Members don't. I'm not sure who the chairman was alluding to. We certainly care about foreclosure mitigation on this side of the aisle.

Mr. Chairman, there is no better foreclosure mitigation plan than keeping your job, number 1, having ex-

panded opportunities for a better job in the future, and number 3, having a growing paycheck. That's why Republicans on this side of the aisle have supported a tax relief plan to make sure that people keep their jobs and to help small businesses. It's why people on this side of the aisle—why Republicans, Mr. Chairman—have supported a plan that would reduce the tax on future job creation—the capital gains tax, the tax on investment. It's why we have supported tax reductions for middle-income families so they can pay these mortgages.

I see, unfortunately, that the chairman has left the floor, but I would also observe that over 2 million mortgages have been refinanced between the borrowers and lenders.

Listen, a great tragedy has occurred in our housing market. Now the question is: With all of these losses, who is going to realize it? Is it going to be the borrowers and the lenders or is it going to be the taxpayers?

So, if some believe there are other Members who don't care about foreclosure mitigation, I would say, Mr. Chairman, it appears that some Members don't care about the debt that they are placing on future generations, constraining their homeownership opportunities. They don't care about the fact that we are now looking, under this Congress, at the single largest deficit in America's history, that we are seeing red ink as far as the eye can see and that we are possibly planting the seeds for an even worse recession 5, 6, 7, 8 years from now because bad public policy decisions, Mr. Chairman, after 9/11 and after the dot-com bubble have led us to where we are today.

Mr. DRIEHAUS. Mr. Chairman, I yield myself 1 minute.

Thank you to the gentleman from Massachusetts for his leadership on this amendment and for his leadership on this issue. I stand in support of the manager's amendment.

Many who support it—the Emergency Economic Stabilization Act that first authorized the money for TARP—despite the fact that they were angered by the circumstances that caused its necessity, believed it was essential for the Nation's economy.

My home State of Ohio is amongst the Nation's leaders in its foreclosure rate, and I am keenly aware of the need for intervention to mitigate the increasing number of foreclosures. This measure recognizes that and provides relief for those who need it most, not just for America's homeowners, not just for America's financial institutions but for entire communities that are suffering and that are failing under the weight of the foreclosure crisis.

I appreciate the chairman's fundamental work on this issue. Again, I would encourage my colleagues to support the manager's amendment.

Mr. GARRETT of New Jersey. Mr. Chairman, at this time, I have no further speakers, and I would reserve my time until the gentleman from Massachusetts is ready to close.

Mr. FRANK of Massachusetts. I yield 2 minutes to one of the most active advocates of trying to have effective foreclosure relief. She is the gentlewoman from Maryland (Ms. EDWARDS).

Ms. EDWARDS of Maryland. Mr. Chairman, I rise today in support of the underlying bill and of the amendment introduced by my good friend from Massachusetts.

He has been a tireless leader, the chairman has, in trying to ensure that this administration does right by the taxpayers and that it particularly does right by homeowners who are facing foreclosure.

Like many of my colleagues, I supported the final TARP. Yet, despite the debate in this Congress and despite the intense discussions with the administration, they failed taxpayers miserably in making sure that homeowners are protected, that they stay in their homes and that we restore stability to our housing and mortgage markets.

This amendment adds and strengthens many critically important provisions. I particularly support the establishment of an Office of Minority and Women Inclusion.

As my colleague from Maryland noted, foreclosures continue to take their toll on families, communities and States across this country. Yesterday, of course, RealtyTrac announced that the foreclosure rate was up 81 percent in 2008. In fact, it's likely that, in my home State of Maryland, 1 in 26 homeowners will experience foreclosure this year. Many of those homeowners, some of those homeowners, live in my own neighborhood.

I represent two counties leading our State in foreclosure numbers. If left unaddressed, the foreclosures will continue to increase and will touch even more lives. I am frustrated that this administration has failed and that foreclosures have skyrocketed.

Yet it's important now for us to get it right for the American people and for the taxpayer. So I support the underlying bill and the amendment. I applaud the chairman for his leadership to make certain that American taxpayers are protected, that we ensure that people stay in their homes, that they are protected from foreclosure, that we stabilize our housing market, and that we provide accountability for taxpayers and for the administration.

Mr. GARRETT of New Jersey. I continue to reserve the balance of my time.

Mr. FRANK of Massachusetts. I yield 1 minute to the gentleman from Minnesota (Mr. ELLISON) who has been a fierce advocate here, particularly of the rights of tenants, which are often overlooked in this process.

Mr. ELLISON. Let me thank Chairman FRANK for bringing this critical legislation to the floor.

When Congress passed the emergency financial services rescue package last fall, we included specific provisions to help distressed homeowners. Unfortunately, the Bush administration decided to help out Wall Street with

these funds while ignoring the needs of Main Street.

The fact is that this piece of legislation, carefully crafted and now working with an amenable and a cooperative administration, is in a much better position to meet the needs set forth in the original legislation, which is to help homeowners. The bill requires at least \$40 billion, but no more than \$100 billion, be used to help distressed homeowners.

Finally, I am excited to report that there is a measure that I authored with other Members which provides reasonable protections for bona fide renters, which is something I'm very happy about. I am pleased to be able to support this legislation today.

Again, Mr. Chairman, let me thank our very able chairman on this piece of legislation so we can get our country back and moving again.

Mr. GARRETT of New Jersey. I continue to reserve the balance of my time.

Mr. FRANK of Massachusetts. The gentleman should proceed because I will be closing for us, and I am the last speaker.

The Acting CHAIR. The gentleman from New Jersey is recognized for 2 minutes.

Mr. GARRETT of New Jersey. Mr. Chairman, the gentleman from Colorado said that this amendment will make sure of "such and such," and he listed off a half a dozen things that the bill, or the amendment, will do.

The reality is that the chairman will tell him this amendment will make sure of absolutely nothing. Why? Because this amendment will never become law. That's not me saying that. That's what the chairman has said repeatedly as well. It is not going to move in the House and the Senate. It is not going to be eventually signed by the President.

Soon, we'll be voting on legislation that will, in essence, allow the next administration to spend \$350 billion, and the American taxpayer will be asking us: What did we authorize that \$350 billion for? For there was no plan, and there is no plan as we speak here today as to what the next administration will be spending that \$350 billion for.

Congress should not authorize, Congress should not pass any other legislation until we have the specifics of a plan. We should not do so until we have a plan that will not pick winners and losers, until we have a plan that will protect the American taxpayer, until we have a plan in place and the language before us that will not bail out the banks that made terrible decisions. We should not be moving legislation that will appropriate \$350 billion until we have a plan in writing specifically that will not bail out borrowers who knowingly took inappropriate loans.

Finally, we should not spend an additional \$350 billion as we pick winners and losers and do nothing, absolutely nothing, for the 90-plus percent of American homeowners who have done

absolutely everything right and who have paid their loans and mortgages on time and who are now asking: Why are they bailing out the banks and other imprudent lenders?

I encourage all of my colleagues at this point in time to vote "no" on this amendment that will do absolutely nothing to ensure these protections to the American taxpayers. I encourage all of my colleagues as well to vote such that we will not appropriate an additional \$350 billion of taxpayer dollars.

With that, I yield back the balance of my time.

□ 1200

Mr. FRANK of Massachusetts. Mr. Chairman, it becomes clear that for many in the minority this is an opportunity to punish Barack Obama for the mistakes made by George Bush. The gentleman says we should have a plan. In fact, what they are objecting to is the plan.

Here is where we differ: They have said, the gentleman who just spoke, the ranking member of the full committee, "Let's ask the President to tell us what he plans to do." We want to do it the opposite way. We want to pass this bill to tell the President what we think should be done.

Now, it doesn't get specific as to institutions. It shouldn't. We don't pick institutions here. We empower them and direct them, in some cases, to deal with the whole economy and with classes of institutions. There is no selection here by Congress of this or that company or even line of business.

Secondly, the gentleman closed by saying why should the majority respond to the foreclosure issue. And the answer is that the foreclosure issue hurts everybody in this country. It reduces property values too radically. It reduces the capacity of institutions that have these assets that are held. It hurts pension funds. It hurts a whole range of people. It hurts people's 401(k)s. The whole society has suffered from this improvidence.

And I would note again, in 2007, the majority in the House, when we became the majority, voted to ban these loans from being made whether the fault was on the part of the borrower or the lender. The gentleman from New Jersey and others condemned that, said we were interfering unduly with the market. He said the market would take care of it. Well, the market hasn't taken care of it. The market has plummeted.

This bill does what Members say they want, and I guess they won't take "yes" for an answer. It says this is what the House believes should be in the plan. And no, it does not look like it's going to pass the Senate now, although Members on the other side rarely think that's a reason for us not to act. But if we pass this and the President was to disappoint us—and I don't expect him to; I have a great deal of confidence in him—and not carry this

out, the bill will be alive in the Senate and will be available as an instrument to do it.

Beyond that, here's the difference. We passed a law, and George Bush ignored the law, as he often does. There will be a great contrast between a President who ignored the law and a President who agrees with us to abide with what the House asked him to do.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Massachusetts (Mr. FRANK).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. FRANK of Massachusetts. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts will be postponed.

AMENDMENT NO. 2 OFFERED BY MS. MATSUI

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in House Report 111-3.

Ms. MATSUI. Mr. Chairman, I offer an amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Ms. MATSUI:

Page 32, after line 19 insert the following new section (and redesignate the subsequent section and conform the table of contents accordingly):

SEC. 206. FORECLOSURE MORATORIUM RECOMMENDATION.

(a) FORECLOSURE DEFERMENT.—It is the sense of the Congress that any institution which becomes an assisted institution on or after the date of the enactment of this Act should not initiate, or allow to continue, a foreclosure proceeding or a foreclosure sale on any with respect to any principal homeowner mortgage, until the earliest of the following:

(1) The date by which the comprehensive plan to prevent and mitigate foreclosures has been developed by the Secretary and the Federal Deposit Insurance Corporation and approved by the Financial Stability Oversight Board under section 201 and become fully operational.

(2) The date by which the systematic foreclosure prevention and mortgage modification plan has been established by the Secretary in accordance with section 204 and become fully operational.

(3) The end of the 9-month period beginning on the date of the enactment of this Act.

(b) FHA-REGULATED LOAN MODIFICATION AGREEMENTS.—If an assisted institution to which subsection (a) applies reaches a loan modification agreement with a homeowner under the auspices of the Federal Housing Administration before any plan referred to in paragraph (1) or (2) of such subsection takes effect, subsection (a) shall cease to apply to such institution as of the effective date of the loan modification agreement.

(c) DUTY OF CONSUMER TO MAINTAIN PROPERTY.—Any homeowner for whose benefit any foreclosure proceeding or sale is barred under subsection (a) from being instituted, continued, or consummated with respect to any homeowner mortgage may not, with respect to any property securing such mortgage, destroy, damage, or impair such property, allow the property to deteriorate, or commit waste on the property.

(d) DUTY OF CONSUMER TO RESPOND TO REASONABLE INQUIRIES.—Any homeowner for whose benefit any foreclosure proceeding or sale is barred under subsection (a) from being instituted, continued, or consummated with respect to any homeowner mortgage shall respond to reasonable inquiries from a creditor or servicer during the period during which such foreclosure proceeding or sale is barred.

The Acting CHAIR. Pursuant to House Resolution 62, the gentlewoman from California (Ms. MATSUI) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Ms. MATSUI. Mr. Chairman, I rise today to offer an amendment, along with Representative KATHY CASTOR, to help homeowners across our country. Our amendment expresses the sense of the Congress that financial institutions who receive future TARP funds should not foreclose on any principal homeowner until the new loan modification program in the bill is implemented and deemed fully operational.

Mr. Chairman, the foreclosure crisis is the root cause of our current economic crisis. Sadly, there is no end in sight.

Right now, more than 8 million homeowners are expected to face foreclosure over the next 4 years. That is one in six mortgages in the United States. The rising unemployment will cause even more Americans to face foreclosure.

California, and in particular my home district of Sacramento, has been greatly impacted by the foreclosure crisis. I've hosted foreclosure workshops. I've seen the hardships and looks of desperation on so many faces not knowing if they will lose their home.

At one workshop, I was approached by a woman that had a loan through one of the financial institutions that had taken TARP funds. When we met, she had been talking to the bank's representatives for a few months to no avail. She was one step from losing her home. It took her dozens of phone calls and letters over many months for her and the bank to settle on a new loan. I worry that without a true moratorium on foreclosures, people like her will not be as lucky.

Similar situations are occurring throughout the country.

Congress must use all of our available resources to keep Americans in their homes. The bill we're considering today calls for the strongest foreclosure prevention program to date. It requires the Treasury and the FDIC to develop a comprehensive systemic loan modification program by April 1. However, that is more than 3 months away, and the plan is estimated to take an additional month or two to become operational. In the meantime, thousands of homeowners could be foreclosed upon.

Our goal is to help Main Street. It would be devastating if homeowners were foreclosed on before they had an

opportunity to qualify for the new loan modification program under this bill.

That is why I have offered my amendment with Congresswoman CASTOR that calls on the mortgage industry to implement a temporary timeout on foreclosures.

Our constituents and businesses need breathing room to find solutions to help Americans stay in their home. I've been calling for a moratorium on foreclosures over the last 8 months. Last May, I introduced the Home Retention and Economic Stabilization Act that calls for a 9-month moratorium on foreclosures for responsible homeowners.

Yesterday, I reintroduced the same bill, along with Senator MENENDEZ in the Senate. I will continue to actively pursue a meaningful moratorium on foreclosures in the coming days and months.

Until then, a timeout in foreclosures is a necessary stop-gap measure that will give Congress, regulators, and homeowners some breathing room while everyone works to craft a fair, sensible, and lasting solution to the foreclosure crisis. I hope that my colleagues will join me in supporting this amendment.

I reserve the remainder of my time.

Mr. GARRETT of New Jersey. Mr. Chairman, I claim the time in opposition.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. GARRETT of New Jersey. I yield myself 2 minutes.

First of all, I begin by saying I appreciate the sponsor's intent behind the amendment. She and I join in the thought that we need to do all that we possibly can to deal with the terrible situation of the economy right now, and she is right that the subprime issue and the foreclosure issue is at the heart of the housing prices and the heart of the economic crisis that we have right now.

The question is, what do we do about it? And the question is, what do we do about it in a manner to help both those people who have been paying on time and also help those people who are perhaps in a difficult situation?

The amendment, though, as it's currently written, may have an unintended effect. If you effectively allow for an extended period of moratorium on foreclosure, that may actually have the potential of encouraging people from actually going to the bank to try to work things out. Or maybe it's not encouraging, not just encouraging them enough to do what is appropriate during this period of time.

I would ask the gentlelady a question, though.

In the form of the amendment, besides the potential policy problems, it would appear that the amendment is flawed technically, and for that reason unworkable. If I look at page 2—and if she would refer to that—it's set up not as a sense of Congress, which, I believe,

is the intention behind this bill, but rather as language which would have the force of law. Page 2, section C, "duty of the consumer to maintain property." It goes on to say that any homeowner whose benefit in foreclosure proceeding or sale is "barred under subsection A," and it makes references to other sections of the law.

The question is, how can a sense of Congress, therefore, actually have the effect of law?

So is this an amendment that maybe has the best of intentions but was drafted in a manner that potentially would have the effect of law even though it is not a law, it is merely a sense of Congress?

I would ask, then, in light of the fact that there is both the policy reason that we may agree on but have some problems with but is technically flawed, I would ask that the sponsor would consider withdrawing the amendment at this time.

Ms. MATSUI. Mr. Chairman, I yield 1 minute to the chairman of the committee.

Mr. FRANK of Massachusetts. I'll tell you what it's written to say. We believe that it is entirely a sense of Congress but understand the terrible harm that would come if it wasn't. Of course, the gentleman says it's not going to become law, so why he's so concerned about it, I don't know.

But if it did, here is what it would do: This terrible section, here's what it does. It says that the borrower can't destroy the property. We are in danger of being too strong in insisting on protecting the lender. The language to which he objects—which he quite understandably didn't read—says "the homeowner may not, with respect to any property, destroy, damage, or impair such property, allow it to deteriorate or commit waste."

So it may be that we have unduly argued that the borrower pending this who's got a foreclosure shouldn't trash the property.

I will plead guilty to perhaps erring on the side of ambiguity in imposing on the borrower an obligation not to trash the property.

Mr. GARRETT of New Jersey. I will yield myself just 1 more minute.

I can simply come to the floor and speak to what the experts have testified in committee with problems of language of this nature. One is, as I've already stated, experts have said that language like this would encourage the situation for borrowers to not do the right thing, that is, to call up their lenders and say, "I have a problem, and I want to engage in negotiations to try to work out the loan."

We know this is an ongoing problem, and that's why there's so many advertisements and like on TV right now to encourage people to do the right thing. This language would be counterproductive in that, so the experts say.

And secondly, the lenders have come to the committee and testified before our committee that the longer the borrower remains delinquent, the less

likely he or she will be able to cure the delinquency and avoid foreclosure.

All this is really doing is prolonging what should be dealt with today. It's never to be put off to tomorrow what we should deal with today, and this language, unfortunately, does just that.

With that, I reserve.

Ms. MATSUI. Mr. Chairman, how much time do I have remaining?

The Acting CHAIR. The gentlewoman from California has 1 minute remaining. The gentleman from New Jersey has 2 minutes remaining.

Ms. MATSUI. Mr. Chairman, I would like to yield 1 minute to the gentlelady from Florida (Ms. CASTOR).

Ms. CASTOR of Florida. Mr. Chairman, I rise in support of the Matsui-Castor amendment. Congresswoman MATSUI has summarized the amendment very well, and I appreciate her leadership.

We all agree the housing crisis, foreclosures, and the related disintegration of value in our neighborhoods must be addressed. We know the statistics very well about the extent of the problem. And in Florida, we have the second highest rate of foreclosures.

I did not support the \$350 billion first tranche of the TARP because I had no confidence in the Bush administration that they were going to help homeowners and prevent foreclosures. I hoped and prayed that I was wrong, but unfortunately, that has been borne out.

I'm now planning my fourth foreclosure workshop, and to the contrary, rather than discouraging homeowners, here is what I found. They cannot get the loss mitigation personnel on the phone. They want to work it out. They want a little bit of breathing room. Now where it's a vicious cycle because they've lost their job, they're looking for their second part-time job, they need a little breathing room that this amendment will provide.

They're not asking for a bailout. They're not asking for billions of dollars that have gone to the financial institutions. They want a little bit of a break.

Mr. GARRETT of New Jersey. Mr. Chairman, I yield myself 1 minute.

I appreciate the gentlelady's comments. We have done similar programs such as that in talking to the people in the district as far as working out, what have you.

Again, the experts—this is the third point I could have raised before—the experts also tell us that a foreclosure moratorium, which in essence is what we're talking about here, will have the unintended side effect also of raising up the cost of mortgages in the future.

So what this means is for that individual who may be able to work out a deal today because mortgage rates are, as we know, at historic low rates, if this has the effect of law—which is actually how the language is situated here—and the moratorium were to occur and mortgage rates were to go up, by the time they actually sat down

with that facilitator at the bank and worked things out, they would find that the mortgage rates unfortunately, due to the economies of the nature of this bill, the rates are higher and they are at a disadvantaged situation than they would be today.

Let's have the people encouraged to work out their mortgages today. Work it out with their banks. I'm sure both sides of the aisle want to use our offices to facilitate those communications as well when people have problems contacting their banks. I know my office works, and I'm sure your office does as well to try to get that contact with them.

And let's do that to get it done today and not put it off until tomorrow.

The Acting CHAIR. The gentleman from New Jersey has 1 minute remaining.

Does he yield that minute back?

Mr. GARRETT of New Jersey. I yield back.

The Acting CHAIR. All time for debate has expired.

The question is on the amendment offered by the gentlewoman from California (Ms. MATSUI).

The amendment was agreed to.

□ 1215

AMENDMENT NO. 3 OFFERED BY MR. HENSARLING

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in House Report 111-3.

Mr. HENSARLING. Mr. Chairman, I have an amendment at the desk made in order by the rule.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. HENSARLING:

Page 11, strike lines 1 through 7.

The Acting CHAIR. Pursuant to House Resolution 62, the gentleman from Texas (Mr. HENSARLING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. HENSARLING. Mr. Chairman, I've listened carefully to the previous speaker and comments from our distinguished chairman of the Financial Services Committee. It's quite clear to me that, come early next week, they're certainly going to miss President Bush. I don't know who they're going to start to blame every problem in the universe on come next week.

I didn't come here to engage in the blame game, but I certainly can't let the chairman's comment pass as he said something to the effect that President Obama is inheriting a problem created by President Bush. Well, as the chairman knows, there's a lot of underlying causes to the predicament we find ourselves in and I'm happy to debate them at a later time, but I would also note that the economic policy of America is determined substantially by this Congress, and the economy was doing just fine until the Democrats took over Congress.

Now, Mr. Chairman, as I look at the bill that is before us, again, there are certain areas where I agree with our distinguished chairman, more accountability and more transparency tends to be a good thing. But Mr. Chairman, there is a provision in here though that says the "Secretary may require an observer in the board rooms for institutions that receive TARP money." Now, Mr. Chairman, I've been around here for a few years and although I have no doubt that everybody is well-meaning in the legislation that they bring to the floor, my fear is that today's "may" shall turn out to be tomorrow's "shall." And my fear is that today's "observer" will become tomorrow's "suggester" and next week will become "the mandator." I think this is a terrible, terrible precedent. I think it bespeaks of industrial policy run by the government. I think it puts, again, one more of those slippery stones on that slippery slope to socialism.

And Mr. Chairman, what are they observing? I mean, what specific policies have they been given to undertake by this United States Congress? What are they observing? And what I observe, Mr. Chairman, is that my reading of the legislation says that any "assisted institution" as defined by any institution that receives "any direct or indirect recipient of assistance or benefit from TARP." And so I hope that the distinguished chairman of the Financial Services Committee, on his time, will enlighten us on his interpretation of how he wrote the underlying bill. Because does this mean that any business borrowing money from a bank under TARP will now be subject to an observer of the Federal Government? Does this mean anyone who has an insurance policy with AIG is now subject to an observer from the Federal Government?

Since we have express language in here dealing with the auto industry, I hope the chairman will answer the question, does this mean that the Secretary of the Treasury can place an observer in every UAW union hall across the Nation if they receive monies under TARP?

Now, again, I have no doubt that, although I disagree with the chairman on a number of issues, I know that his purpose is a noble one. But I also know, Mr. Chairman, that when things begin in Washington, they don't always end the way that they started. And so I would question, number one—you know, we were told at one time Social Security would be solvent forever; well, it's not. We were told that TRIA was a temporary program; well, it's not. We were told Fannie and Freddie would never be bailed out. And I'm sure those who said it meant it at the time, but circumstances change, they were bailed out. We were told that once House Democrats took over control, that they would rein in spending and balance the budget, and now we have the largest deficit in American history.

So I'm fearful that this provision will grow into something that maybe it's

not intended, not something that I would appreciate. And I'm also very curious why so many other accountability provisions dealing with home borrowers have seemingly fallen out of the bill, including one that the chairman agreed to earlier—I believe it was in April in the markup of the Hope for Homeowners program—when he accepted the amendment now, but seemingly is taking it out of the bill at this point.

Mr. Chairman, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, I rise to claim the time in opposition.

The Acting CHAIR. The gentleman from Massachusetts is recognized for—

Mr. FRANK of Massachusetts. How much time did the gentleman consume?

The Acting CHAIR. 5 minutes.

Mr. FRANK of Massachusetts. Mr. Chairman, I am struck by the implicit endorsement of this amendment that I received from my friend from Texas. He opposed the amendment by talking not about what it does, but what might happen later on in a way very different from it. He did not appear to have much objection to the amendment itself. He is talking about, if we do this, it might lead to something else. Well, at that point object to something else.

The argument that I'm against this because it will lead to something else almost always comes from Members who don't like the provision under debate, so they, therefore, debate a straw man. Yes, there were Members who wanted it to be mandatory that we put someone on the board of directors; I thought that was inappropriate. I don't think a Federal official with the political pressures to which he or she will be suffered should be voting as a member of the board of directors. There were others who wanted to require an observer in every case. We came to what I think is a very moderate approach, to give the Secretary of the Treasury the discretionary authority to do it. There may be some cases where it is important, some where you could forgo it.

The fact that the budget deficit went up does not seem to be an argument against giving the Secretary of the Treasury a discretionary observer at institutions that receive any help under the TARP. And the fact that the gentleman would cite the budget deficit and terrorism risk insurance and what happened to them as reasons not to deal with something entirely different because as they change this might change does not meet my logical standards.

Now, I will say, by the way, with terrorism risk insurance, as an advocate of it—along with the former chairman of the committee, Mr. Oxley—I never said that it would be temporary. I believe that there is, in fact, a public responsibility to deal with terrorism, and

I didn't feel it was going to go away. But in any case, it's an irrelevancy.

Here's the proposal: To give the Secretary of the Treasury discretionary authority to send an observer with the right to sit in on meetings if he believes that it is justified in the particular set of circumstances. It's not a voting member, and it's not mandatory in all cases. I find it hard to see what harm it would do; so, apparently, does my friend from Texas. Because if he were clear about the harm that would do, he would have documented that. Instead, he talked not about the harm that might come from this amendment, but from harm that might come at a future date when something very different from this amendment was put into effect. By the way, this could not grow in an evolutionary fashion; it would take a vote of the Congress to require this. This would not be something that happens accidentally; it would be something that would take a conscious decision.

What we are saying here is we want more accountability. We are saying that we have some confidence in the Obama administration. And again, we are at the central issue here. Many of us believe that President Bush's administration did not use this authority as well as they should have. By the way, I agree with the administration that we are still better off than they would have been if they had not had the authority at all, but we thought it could have been used even better. The central question we will be addressing next week is; do we deny to the new President tools that the old President had that many think he misused?

This bill is a subordinate, it says this; should we tell the new President that, while we in the House believe he should have the opportunity to deploy these tools, we have very clear ideas about what should be done about it?

And we have done several hearings. This has been a very participatory process. I was pleased with the gentleman from California (Mr. CAMPBELL) yesterday, the gentleman from Illinois (Mr. SCHOCK) today, both talked about things that are positive in this.

We have opened ourselves up and have accepted a large number of proposals from Members on both sides. There will be an amendment offered later by the gentleman from Arizona (Mr. FLAKE) that I intend to vote for and I hope the House will overwhelmingly adopt. So we are trying to move forward.

If Members want to debate what we are doing or not doing, that's reasonable; but let me just close by saying here's where we are: We are proposing that the Secretary of the Treasury in the new administration have a discretionary right to send an observer to recipients of TARP funds where he thinks that would be appropriate. The gentleman from Texas says don't do that because TRIA became permanent, and we have a bigger budget deficit. And I guess hair doesn't grow on cer-

tain parts of the body. None of these have anything to do with the issue under consideration. And the absence of arguments against this, what the amendment proposes, gives me a sense of confidence that it's really pretty hard to criticize.

Mr. Chairman, I yield back the balance of my time.

Mr. HENSARLING. Perhaps the chairman did not hear all of my remarks—

Mr. FRANK of Massachusetts. Parliamentary inquiry.

The Acting CHAIR.

Does the gentleman from Texas yield for a parliamentary inquiry?

Mr. HENSARLING. I do not.

Mr. FRANK of Massachusetts. Point of order, Mr. Chairman.

The Acting CHAIR. The gentleman from Massachusetts will state his point of order.

Mr. FRANK of Massachusetts. I was told that the gentleman's time had expired. I have a right to close. I waived that because I was told that the gentleman had consumed 5 minutes when I asked. I thought that was all there was on the amendment.

The Acting CHAIR. No. The gentleman from Texas had 30 seconds remaining. The Chair understood the question to be—or at least the answer provided was—how much time the gentleman from Massachusetts had, which was 5 minutes.

Mr. FRANK of Massachusetts. Oh. I apologize for my diction because I thought that I had asked how much time he had consumed.

The Acting CHAIR. And the Chair apologizes for any misunderstanding.

The gentleman from Texas has 30 seconds remaining to close.

Mr. HENSARLING. Again, perhaps the chairman of the committee missed some of my remarks. My concern is the way that this is drafted is we are giving the Secretary of Treasury the power to put an observer into every small business in America who borrows money from a community bank that gets TARP funds. That isn't what might happen, that is what does happen. And when the chairman says he's concerned about accountability, I wonder why doesn't that go to the borrower side. Why is he striking that portion of the bill that has borrower certification that they did not intentionally default on their mortgage? Why does this bill strike the fine or imprisonment for borrowers who make willful, false statements? Why does he strike the requirement of those who are found to have committed mortgage fraud, that they have to expunge any direct financial benefit? So it's kind of selective concern, I would say.

The Acting CHAIR. The time of the gentleman has expired.

Mr. FRANK of Massachusetts. Parliamentary inquiry, Mr. Chairman.

The Acting CHAIR. The gentleman from Massachusetts will state his parliamentary inquiry.

Mr. FRANK of Massachusetts. Do I have any time remaining?

The Acting CHAIR. The gentleman from Massachusetts yielded back the balance of his time.

Mr. FRANK of Massachusetts. Mr. Chairman, I did that, but I did that because I had asked—as I think the transcript would show—how much time he had consumed. We apparently had a miscommunication. So I would ask unanimous consent that any remaining time be allowed.

The Acting CHAIR. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Acting CHAIR. The gentleman from Massachusetts is recognized for the 10 seconds remaining before he yielded back the balance of his time.

Mr. FRANK of Massachusetts. I will use the 10 seconds to say that the gentleman from Texas said “may” may become “shall.” “May” does not become “shall” without our voting.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. HENSARLING).

The question was taken; and the Acting Chair announced that the yeas appeared to have it.

Mr. HENSARLING. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

The Acting CHAIR. The Committee will rise informally.

The SPEAKER pro tempore (Mr. HIGGINS) assumed the chair.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

TARP REFORM AND ACCOUNTABILITY ACT OF 2009

The Committee resumed its sitting.

AMENDMENT NO. 4 OFFERED BY MR. HOLT

The CHAIR. It is now in order to consider amendment No. 4 printed in House Report 111-3.

Mr. HOLT. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. HOLT:

Page 19, after line 20, insert the following:

SEC. 108. TREASURY FACILITATED AUCTION.

Section 113(b) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5223(b)) is amended to read as follows:

“(b) USE OF MARKET MECHANISMS.—

“(1) IN GENERAL.—In making purchases under this Act, the Secretary shall—

“(A) make such purchases at the lowest price that the Secretary determines to be consistent with the purposes of this Act; and

“(B) maximize the efficiency of the use of taxpayer resources by using market mecha-

nisms, including auctions or reverse auctions, where appropriate.

“(2) AUCTION FACILITATION.—

“(A) IN GENERAL.—The Secretary shall, in coordination with institutions that volunteer to participate, and not using any funds under this title for purchases, facilitate an auction of troubled assets owned by such institutions to third party purchasers.

“(B) REPORT.—If the auction described in subparagraph (A) does not take place within the 3 month period following the date of the enactment of the TARP Reform and Accountability Act of 2009, the Secretary shall issue a report to the Congress stating—

“(i) why such auction has not taken place; and

“(ii) by what mechanism the Secretary feels that troubled assets could most expeditiously be valued and liquidated.”.

The CHAIR. Pursuant to House Resolution 62, the gentleman from New Jersey (Mr. HOLT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. HOLT. Mr. Chairman, my amendment is simple and straightforward.

One of the difficulties with the troubled assets is assigning values to them. One way of doing that is through auctions. This amendment encourages—in fact, directs—the Secretary, without using taxpayer funds, to facilitate an auction. It will allow the TARP assets to be valued and should help to liquidate and dispose of those assets in the way that was intended.

□ 1230

Now, I should say that this amendment, although approved by the Rules Committee, is also included in its entirety in the manager's amendment as accepted.

MODIFICATION TO AMENDMENT NO. 4 OFFERED BY MR. HOLT

Mr. HOLT. Therefore, I ask unanimous consent to modify the amendment before us in a manner that is before you at the desk.

The CHAIR. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment No. 4 offered by Mr. HOLT:

Amendment No. 4 is modified to read as follows:

Page 7, line 18, strike the quotation marks and the last period.

Page 7, after line 18, insert the following new subsection:

“(h) RECONSIDERATION.—

“(1) Any institution that has submitted, pursuant to procedures established by the Secretary and in consultation with the appropriate Federal banking agencies, an application for assistance under this title that has been denied by the Secretary, may seek reconsideration of its application from the Financial Stability Oversight Board within 30 days.

“(2) The Oversight Board shall promptly review such requests for reconsideration and provide its findings and conclusions to the Secretary within 30 days after receipt of such a request.

“(3) Pendency of a request for reconsideration pursuant to this subsection shall not in any way impede or stay the ability of the appropriate Federal banking agencies from taking any supervisory or other action necessary with respect to the safety and soundness of the institution.

Page 63, line 15, strike “(g)” and insert “(i)”.

Mr. HOLT (during the reading). Mr. Chairman, I ask that the amendment be considered as read.

The CHAIR. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The CHAIR. Is there objection to modifying the amendment?

Mr. GARRETT of New Jersey. Mr. Chairman, reserving the right to object, I appreciate the gentleman's initial amendment, and I think I appreciate the gentleman's intention of the subsequent amendment.

Can the gentleman explain the reason why the gentleman is on the floor with the subsequent amendment as opposed to having proposed that amendment through the regular committee process?

Mr. HOLT. Will the gentleman yield?

Mr. GARRETT of New Jersey. I yield to the gentleman from New Jersey.

Mr. HOLT. Yes, I can explain. I submitted both of these amendments for committee consideration and for Rules Committee consideration. It was my understanding that they were both included in the manager's amendment, and, in fact, the chairman tells me that it was his intention to include both of them in the manager's amendment. Only one of them was actually included in the manager's amendment. So I'm asking unanimous consent to modify the one amendment that is already in the manager's amendment but also approved for floor consideration to represent the one that was not included in the manager's amendment but should have been.

Mr. GARRETT of New Jersey. Reclaiming my time, wasn't your amendment, I'm told, dated, though, just this morning?

Mr. HOLT. If the Member who controls the floor would yield to Chairman FRANK, I think we can get a better explanation.

Mr. GARRETT of New Jersey. I will let the chairman speak during his time. So you're not aware, though?

Reclaiming my time, I'm looking at it as January 15, 2009, 9:59 a.m., which would have been this morning.

Mr. HOLT. That is because I learned only this morning that it was not included in the manager's amendment, as I had understood and been led to believe, and, therefore, I typed it up so that it could be considered on the floor.

Mr. GARRETT of New Jersey. Thank you.

At this point, Mr. Chairman, I object to the modification.

The CHAIR. The gentleman from New Jersey (Mr. HOLT) is recognized on the original amendment.

Mr. FRANK of Massachusetts. Would the gentleman yield to me?

Mr. HOLT. I yield to the chairman.

Mr. FRANK of Massachusetts. I just want to express my disappointment at this lack of comity. I had the explanation. There was an error that was

not the gentleman from New Jersey's fault. The gentleman from New Jersey (Mr. GARRETT) on the other side asked him a question to which he could not have had the answer because he was not in control of the process. I was willing to give the answer. I don't know why the gentleman from New Jersey would refuse to allow it since he suggested things that were not accurate as to this.

The gentleman has already objected, and that will stand as a precedent that we will all follow in certain cases, but the refusal to allow an explanation really dismays me.

The gentleman from New Jersey (Mr. HOLT) submitted this amendment on Tuesday. We had some questions about the form of it. He and I had conversations yesterday in which we came to an agreement that this part of the amendment would be easily accepted, that other parts would not be. So he modified it, and he modified it yesterday, and the formal modification was what we then came to. So he submitted it in a timely fashion on Tuesday in a bigger version. We agreed yesterday to remove part of it and leave this part of it. The gentleman has in every case acted in a timely fashion. He exceeded the conversations we had. My error and misunderstanding of my instructions led to the wrong amendment being put in order at the Rules Committee rather than this revised version.

Mr. HOLT. Reclaiming my time to talk about the substance, let me ask the Chair the time remaining, please.

The CHAIR. The gentleman has 2½ minutes remaining.

Mr. HOLT. Mr. Chairman, one of the problems that needs to be addressed is something that has outraged the country, my constituents, Mr. GARRETT's constituents, I'm sure many. It occurred when TARP funds were denied to a bank, awarded to another bank. The first bank then was overtaken by the second bank using, presumably, TARP funds. This was not something that taxpayers appreciated.

In Mr. FRANK's legislation before us today, there are some protections against that happening. I would like to see still further protections against that happening, and I believe the taxpayers would, and, in fact, I believe Mr. GARRETT would because the gentleman has expressed concern about choosing winners and losers, using TARP funds where the Treasury will say, well, this institution is not worthy of TARP funds, that institution is worthy of TARP funds, and the one that gets the funds can take over the loser. That is what so many taxpayers have found outrageous. I think that's what Mr. GARRETT has spoken against.

The amendment that I am asking to have considered would simply allow that entity denied the TARP funds to appeal. It would provide some insurance, meager perhaps, against the kind of National City Bank occurrence from happening again. It would provide a certain measure of protection against a

winner overtaking a loser only because of the decisions of the Treasury. It's a small protection but I think a valuable protection, and I wish that the gentleman, my colleague from New Jersey, were more amenable to it.

I would be happy to yield any remaining seconds to the chairman of the committee if he has further comment.

Mr. FRANK of Massachusetts. Yes. It is to say that the gentleman has a very good idea. I regret that what I believe to be obstruction kept us from incorporating it, but I will be strongly urging the administration to work with us to see that this is made a part of the overall proposal.

Mr. HOLT. Mr. Chairman, I yield back the balance of my time.

Mr. GARRETT of New Jersey. Mr. Chairman, I rise to claim time in opposition to the amendment.

The CHAIR. The gentleman from New Jersey (Mr. GARRETT) is recognized for 5 minutes.

Mr. GARRETT of New Jersey. To the gentleman from New Jersey on the amendment that's actually before us I'm in general agreement with and also with the amendment that he proposed through his U.C., I believe that I also would be in favor of that as well. The general idea sounds basically like what we think alike on in how do you add that protection to the taxpayer and also to the little bank that's being bought out. And were we in a different situation where this bill actually was going to have the force of law and be signed into law by the President, there may be some expediency as far as necessary in order to get this thing through as we speak here today.

But we have already heard from the chairman and the point has been made repeatedly that this underlying piece of legislation that we're talking about here today is not going anywhere, and that's a shame because there are a number of other provisions in the underlying bill that are important as is the provision that you're suggesting.

What is disconcerting is that good amendments such as this and, quite honestly, some other good amendments from both sides of the aisle that I've heard about just literally as I'm sitting here talking to people didn't have the opportunity to go through the process and to be fleshed out, and I'm not saying your bill needed any more fleshing out, but needed to have a hearing and have experts on both sides of the equation give their 2 cents to.

As I sit here right now, it sounds like a good idea. I'm not sure whether there might be some aspects of it from the banking community that they may say tweak it here or what have it there. That, of course, is the whole process of the committee process. And as you know, unfortunately, we didn't have a hearing. We didn't have a markup. And had we done that, I'm sure you would have been right there making that case and I probably would have been right there saying great amendment.

Mr. HOLT. Will the gentleman yield?

Mr. GARRETT of New Jersey. I sure will.

Mr. HOLT. Putting aside the gentleman's sense of the ultimate disposition of this legislation, I would ask wouldn't he like to make it as good as possible as we are considering it now and wouldn't he care to reconsider his objection?

Mr. GARRETT of New Jersey. Reclaiming my time, I'm not going to reconsider my objection for the underlying reason of amendments that I'm just seeing 10 minutes ago or less without having the opportunity to consider the ramifications that they may have. As good as they sound, as much as I think I 99 percent or so would support them had we gone through the process, I'm not going to withdraw my objection.

But I will say this, that should the good chairman decide to do what I think is appropriate here, and that is to go forward with additional hearings and additional legislation and additional opportunities to direct the next administration on the \$350 billion that he's about to get and who knows how many other pieces of authorization of dollars that he has, I hope that the chairman will actually afford all of us from both sides the opportunity to present this amendment and other amendments as well to go through and be vetted in the committee process and at which time I give my pledge to work from this side of the aisle with the gentleman to do all that I can to see that it facilitates through should the chairman actually give us that opportunity.

Mr. Chairman, I yield back the balance of my time.

Mr. HOLT. Mr. Chairman, I ask, with disappointment at the gentleman's obstreperousness and intransigence, to withdraw amendment No. 4 because it is unnecessary. It's already included in the manager's amendment.

The CHAIR. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT NO. 5 OFFERED BY MRS. BACHMANN

The CHAIR. It is now in order to consider amendment No. 5 printed in House Report 111-3.

Mrs. BACHMANN. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The Clerk designated the amendment.

The CHAIR. Pursuant to House Resolution 62, the gentlewoman from Minnesota (Mrs. BACHMANN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Minnesota.

Mrs. BACHMANN. Mr. Chairman, I rise now to offer an amendment to the bill before us, H.R. 384, which would strike the bill's misguided provisions that, in effect, water down important taxpayer protections in the hope for homeowners—

POINT OF ORDER

Mr. FRANK of Massachusetts. Point of order, Mr. Chairman.

The CHAIR. The gentleman will state his point of order.

Mr. FRANK of Massachusetts. The gentlewoman is referring to amendment No. 6. She offered amendment No. 5.

Mrs. BACHMANN. Mr. Chairman, I am going in order of the amendments. I am going in order of the amendments as they're offered.

PARLIAMENTARY INQUIRY

Mr. FRANK of Massachusetts. Parliamentary inquiry, Mr. Chairman.

The CHAIR. The gentleman will state his inquiry.

Mr. FRANK of Massachusetts. We had No. 5 first, and the gentleman said No. 5. No. 5 is the auto amendment. The order we were given had No. 5 as the automobile one.

Mrs. BACHMANN. Mr. Chairman, I am going according to the rule.

The CHAIR. The gentlewoman may proceed.

□ 1245

Mrs. BACHMANN. Thank you, Mr. Chairman.

Mr. FRANK of Massachusetts. Mr. Chairman, point of order.

Under the rule, amendment No. 5, which was introduced, deals with automobiles, not with the subject of this. The gentlewoman introduced, was asked for amendment 5, rose and introduced, we were told it was No. 5. That deals with automobiles.

The CHAIR. The gentlewoman has the time for 5 minutes on her amendment, No. 5. Regarding automobiles?

Mrs. BACHMANN. No, Mr. Chairman.

The CHAIR. Amendment No. 5 is pending.

Mr. FRANK of Massachusetts. If I could make a point of order. Apparently we were given a misprinted copy of the rule. So I apologize. The copy of the rule we got was misprinted, and the order was reversed on the copy we got.

The CHAIR. Without objection, the Clerk will report the amendment.

There was no objection.

The Clerk read as follows:

Amendment No. 5 offered by Mrs. BACHMANN:

Strike line 1 on page 65 and all that follows through page 69, line 2.

The CHAIR. The gentlewoman from Minnesota may continue.

Mrs. BACHMANN. Thank you, Mr. Chairman.

Again, I rise to offer my amendment to H.R. 384, which would strike the bill's misguided provisions that would water down the important taxpayer protections in the Hope for Homeowners Program.

When the majority created this program, Mr. Chair, 3 months ago, it was not that long ago, Mr. Chair, they promised that it would help a lofty 400,000 families who were behind on mortgage payments and possibly facing foreclosure.

This was a worthy goal, Mr. Chairman, but it seems that the majority created a government program for which there has been very little public demand.

With a little over 300 applications in the pipeline, it's clear that this program has been an enormous waste of time, of energy, of money and of other taxpayer resources. Just 12 days ago, Mr. Chair, as of January 3, 2009, the Hope for Homeowners Program, which cost taxpayers \$300 billion, can be credited with helping, not 400,000 families, just 13 families actually refinance.

So what will the majority do? How far will they go to prove that their failing program is a success and not a boondoggle?

Unfortunately, Mr. Chair, today we are seeing the answer before this body. My Democrat colleagues are willing to strip out the essential taxpayer protections in an effort to spur more participation in this program.

Mr. Chair, we are talking about taxpayer protections which were already weak at their very best light. In the underlying bill, they are virtually nonexistent. The people who will benefit, the participants, will no longer be required to pay any up-front premiums. In other words, Mr. Chair, they will have no skin in the game, which was originally required to help sustain this program.

The annual premiums are even significantly decreased under H.R. 384 and, in fact, the Federal Housing Administration is given the authority to weigh them all together whenever they see fit.

These two mechanisms were common sense. They were regularly touted, with all due respect, by our Chairman FRANK and other supporters of Hope for Homeowners as important safeguards to protect the taxpayers when the program was established. We agreed to that.

Yet today they seek to eliminate those protections from title V. Additionally, title V removes the requirement in the current program that ensures taxpayers will receive a home equity appreciation share as payment for the taxpayers' investment through Hope for Homeowners.

In other words, people will be permitted to receive assistance from the government to pay their mortgages, but should their home values rise, they can make a profit, and they won't have to give anything back to those same taxpayers who lent them a helping hand in the first place to keep their home.

Our chairman, again, explained this issue best once upon a time when our chairman stated you are not going to get a program approved that helps people refinance loans on their homes and then allows them to turn around the following year and make a profit on that home. However, that's exactly the direction that the bill before us, H.R. 384, takes for this program.

This bill scales back the haircut that lenders must take to participate in Hope for Homeowners from 90 percent to 93 percent of the loan-to-value ratio, but it simultaneously removes the already weak taxpayer protections that are in the program.

This provision also authorizes payments to servicers for every loan ensured under the Hope For Homeowners Program.

While I too have concerns that some servicers may not be refinancing loans as quickly or as often as they could, this is real. The bill's language, unfortunately, is so vague, Mr. Chairman, so open ended, that servicers could be paid billions of dollars in return for refinancing loans.

This provision essentially increases the risk to the cost of the taxpayers while reducing the burden on investors and servicers to submit bad loans to the government for modification, not the direction we want to go, I submit.

Title V also allows taxpayer dollars authorized under TARP to be used to further fund Hope for Homeowners should it run out of the 300 billion the program has already received. What that means is that this bill gives an already failing government program an unlimited supply of tax dollars under TARP should they run out of money. Now how in the world does this make sense for American taxpayers?

The CHAIR. The time of the gentlewoman has expired.

Mrs. BACHMANN. Thank you, Mr. Chair. I will just finish this sentence.

At the very least shouldn't we wait to see how the current \$300 billion, yes, billion, should be spent.

If this is near the end of my time, Mr. Chair, I would submit my remarks for the RECORD.

It's as if the Democrats are predicting that their own program will face a shortfall due to re-defaults or some other course of events. At the very least, this is a self-fulfilling prophecy. With an unlimited supply of funds on which to draw, there will be no incentive to improve and HOPE for Homeowners will continue to bleed taxpayers dry without any benefit to the homeowners it is meant to help.

Mr. Chair, U.S. Secretary of Housing and Urban Development Steve Preston recently stated that the HOPE for Homeowners program has been a failure, in part, because "Congress dotted the i's and crossed the t's for [HUD], and unfortunately it has made this program tough to use."

Yet here we are again watching Democrats legislate their way to the impossible—only this time they have rejected even the appearance of protecting taxpayers.

I urge my colleagues to support my amendment and restore what little taxpayer protection was in place in the HOPE for Homeowners program.

Mr. FRANK of Massachusetts. Mr. Chairman, I claim the time in opposition. I apologize again. The Rules Committee report was misprinted. It listed them in the wrong order, so I apologize to the gentlewoman. That's why we were reacting to a misprint.

I oppose this in part because—

The CHAIR. Is the gentleman opposed to the amendment?

Mr. FRANK of Massachusetts. I claim the time in opposition.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. FRANK of Massachusetts. The proposal that the gentlewoman singled

out to object to is a recommendation from Mr. Preston, the Bush administration Secretary of HUD.

Members have pointed out that the Hope for Homeowners Program has not worked, and we are disappointed.

It hasn't worked because, I think, we have tightened it up excessively. What we are trying to do here is relax it. Part of the impetus for this came from the secretary of HUD and the commissioner of the FHA, Mr. Montgomery, two Bush appointees.

In an article of December 17 from the Washington Post, which I will submit for the RECORD, Secretary Preston said that we have made this much too implicated and much too restrictive.

He singled out, as one of the provisions that was objectionable, the provision the gentlewoman from Minnesota just talked about. It's the secretary of HUD who told us to drop that if we wanted to make it workable.

How do you do that, Preston said? That was legislated. The article says it becomes more difficult to get people to refinance.

So we have on the one hand Republicans correctly pointing out that our effort for Hope for Homeowners failed, but we don't want that to be a permanent failure. We want to improve it. Now when we put in the improvements, some of which were recommended by the secretary of HUD, we were told that that's going to be too generous.

So this is kind of like the question that you were asked who do you like better, your mother or your father? There is no right answer.

Should the program be very tough, should it be very relaxed? Whatever we do, people are going to oppose it. That's because, and there is—and I go back to 2007 when we voted on the subprime bill. I go back to the Wall Street Journal editorial at that time and this morning. There are people who do not want us to respond to the foreclosure crisis.

Now, responding it to it will be uneven because it's a messy problem. But people who voted in 2007 against banning irresponsible subprime loans, I am not surprised that they don't want us to be effective right now. And I am not surprised—I am a little surprised that they would single out our effort to act on a recommendation of Secretary Preston to correct this.

[From the Washington Post, Dec. 17, 2008]

HUD CHIEF CALLS AID ON MORTGAGES A FAILURE

(By Dina ElBoghdady)

Secretary of Housing and Urban Development Steve Preston said the centerpiece of the federal government's effort to help struggling homeowners has been a failure and he's blaming Congress.

The three-year program was supposed to help 400,000 borrowers avoid foreclosure. But it has attracted only 312 applications since its October launch because it is too expensive and onerous for lenders and borrowers alike, Preston said in an interview.

"What most people don't understand is that this program was designed to the detail by Congress," Preston said. "Congress dotted

the i's and crossed the t's for us, and unfortunately it has made this program tough to use."

The criticism comes as Congress prepares to weigh in with further plans to help distressed borrowers facing foreclosures, which are at the root of the financial meltdown. This week, House Speaker Nancy Pelosi (D-Calif.) demanded that the Treasury Department use some of the money from the \$700 billion emergency rescue package to help at-risk homeowners.

One of several federal and state foreclosure prevention initiatives facing difficulties, HUD's Hope for Homeowners program has been especially hamstrung. For instance, a program launched by the Federal Deposit Insurance Corp. on behalf of IndyMac Bank customers has modified more than 3,500 mortgages in two months of operation.

Rep. Barney Frank (D-Mass.), who helped steer the HUD program through Congress, said some of the federal bailout money should be used to revamp it. Frank acknowledged the initiative has its problems, but he blamed them on the Bush administration.

"That's partly their fault," said Frank, chairman of the House Financial Services Committee. "The administration was critical of the program and kept putting pressure on us to make it cheaper and more restrictive. . . . If it hadn't been for the Bush administration's opposition, we would have written it in a better way in the first place."

The goal of the program, run by the Federal Housing Administration, was to allow borrowers who owe more than their homes are worth to refinance into more affordable 30-year fixed-rate mortgages insured by the government.

But part of the problem is that the program's success hinges on the lenders' willingness to participate.

Congress originally allowed the FHA to insure new loans for only 90 percent of a home's value. With home prices plunging, borrowers who have little or no equity in their homes and cannot otherwise come up with the remaining 10 percent qualify only if the lender forgives this balance. Lenders balked.

Late last month, Congress granted HUD permission to increase the amount that's insured and the department decided to guarantee up to 96.5 percent of the value of new loans. Preston in the interview praised that change. But its impact remains unclear.

"Getting the lenders to agree . . . has been our biggest challenge," said Peyton Herbert, director of foreclosure services at HomeFree USA, a housing counseling firm in Hyattsville. "They want dollar for dollar what's owed on that loan or something close to it. That's the fly in the ointment."

The list of impediments goes on. Borrowers who participate in the program must pay hefty fees and high interest rates, and they must split any increased value with the federal government when the home is sold.

"You're paying a premium to borrow the money already, and that ought to be enough," said John Taylor, chief executive of the National Community Reinvestment Coalition. "To me this falls into the category of, we want your firstborn."

A further hindrance: The mortgage payment must exceed 31 percent of a borrower's income as of March, which does not help people who have since fallen into trouble.

Add to that the fact that borrowers must also provide two-years of financial records and sign a statement that they did not give false or misleading information on their original loan application and the bar gets even higher. It becomes even more difficult to attract borrowers who took out loans without verifying their income.

"How do you do that?" Preston said. "That was legislated."

For all those reasons, FHA Commissioner Brian Montgomery said he got an earful from agitated lenders, housing counselors and real estate agents at a seminar last month in Atlanta designed to educate housing professionals about the Hope for Homeowners program.

"What we thought would be a civil and cordial exchange with the several hundred people gathered turned into an almost rock-throwing episode," Montgomery said.

He said Capitol Hill lawmakers were hampered by a philosophical divide within their ranks when they cobbled the program together and that led to a compromise that made little sense.

"There were two philosophies on the Hill: Let's throw the barn door open and help as many people as we can regardless of the reasons. Or we need to make them pay because they should have known what they were doing," Montgomery said. "They found some middle philosophical ground, but that philosophical middle ground made [the program] unworkable."

Montgomery complained that any minor adjustment to the program must be passed through an oversight board, which further slows the FHA's response time.

Frank called Montgomery's assessment of Congress's handling of the legislation "dishonest."

As for oversight, he said the board is made up of Bush appointees. "Shame on them if that's the problem."

Frank acknowledged, however, that concessions had to be made to make the program palatable to the American public. This is why borrowers who take part in it must share any gains from appreciation in home values with the government.

"You're not going to get a program approved that helps people refinance loans on their homes and then allows them to turn around the following year and make a profit on that home," Frank said.

Frank provided a letter he wrote to Treasury Secretary Henry M. Paulson Jr. in late November urging him to use the bailout money Congress approved for rescuing the financial markets to reduce the upfront and annual fees, because these are reducing use of the Hope for Homeowners program.

In another letter to Paulson, Preston, Federal Reserve Chairman Ben Bernanke and FDIC Chairman Sheila C. Bair, Frank made a few more suggestions and praised HUD's decision to increase the proportion of loans that the FHA can insure to 96.5 percent from 90 percent.

But yesterday, he said the FHA's leadership in these trying times has been a "disappointment."

Montgomery said Frank's ire at his agency is misdirected. "Barney Frank may have a beef with some of the Republicans," he said, "but he shouldn't have a beef with us."

I would ask how much time is remaining on our side.

The CHAIR. The gentleman from Massachusetts has 2½ minutes remaining.

Mr. FRANK of Massachusetts. How much time on the other side?

The CHAIR. The time is expired.

Mr. FRANK of Massachusetts. Then I would yield my remaining time to the gentlewoman from California, who has been the House leader in fighting foreclosures.

Ms. WATERS. Thank you so much, Mr. Chairman, and Members.

I had to come to the floor in defense of the Hope for Homeowners Program, simply because I think that the

gentlelady from Minnesota does not understand this program, just as she has demonstrated that she did not understand the subprime meltdown and the problems that caused us to be in this economic crisis based on statements that she made earlier.

I am here to not only give support to the Hope For Homeowners Program and oppose her amendment, but I would like to remind our Members that one in six American homeowners is currently under water on their mortgages, owe more on their home than it's worth, and Hope For Homeowners is a critical program for struggling homeowners who are under water on their mortgages. The principal write down in home for homeowners is key to helping families get into more affordable homes.

If this program is not changed in this bill, foreclosures would continue to rise. In 2008, foreclosures were up a record 81 percent with 861,664 families losing their home to foreclosure. Credit Suisse estimates that 8 million American homes will enter foreclosure in the next 4 years.

It's one thing to object to programs even when the chairman was trying to work with everybody and getting their input and taking their suggestions, which led to the original bill.

But to have objection now to improving the program, based on information we have gotten from the Federal Reserve, who suggested precisely the amendments that are being done, is just not understandable.

I would ask my colleagues to disregard the attack on the Hope For Homeowners Program by the gentlelady from Minnesota and support homeowners and one more effort to keep homeowners in their homes, recognizing that many of them are under water now, precisely meaning that they are not worth what they contracted for in the mortgage that they have.

I think that we should be understanding of that. I think we should be supportive of homeowners being able to work with their lenders to get a writedown and to have these mortgages modified or refinanced through FHA so that they, again, can keep their homes.

The CHAIR. The question is on the amendment offered by the gentlewoman from Minnesota (Mrs. BACHMANN).

The question was taken; and the Chair announced that the noes appeared to have it.

Mrs. BACHMANN. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Minnesota will be postponed.

ANNOUNCEMENT BY THE CHAIR

The CHAIR. The Chair understands that amendment No. 6 will not be offered.

Mr. FRANK of Massachusetts. Parliamentary inquiry, Mr. Chairman.

The CHAIR. The gentleman is recognized.

Mr. FRANK of Massachusetts. Because I was confused before by the Rules Committee report misprint, what's the amendment that's not going to be offered that was to be offered by whom?

The CHAIR. The amendment is amendment No. 6 offered by the gentlewoman from Minnesota.

Mr. FRANK of Massachusetts. Parliamentary inquiry. Is that the one that would have stricken the aid for the automobile industry?

The CHAIR. The Chair is not aware of the content of the amendment.

Mr. FRANK of Massachusetts. But amendment No. 6 as printed now, as we understand it, is the one that would strike aid to the automobile industry. So we understand that will not be offered?

The CHAIR. Amendment No. 6 will not be offered.

AMENDMENT NO. 7 OFFERED BY MR. PATRICK J. MURPHY OF PENNSYLVANIA

The CHAIR. It is now in order to consider amendment No. 7 printed in House Report 111-3.

Mr. PATRICK J. MURPHY of Pennsylvania. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. PATRICK J. MURPHY of Pennsylvania:

Page 74, after line 17, add the following new title (and conform the Table of Contents accordingly):

TITLE VIII—AGENCY MBS PURCHASE PROGRAM DISCLOSURE

SEC. 801. DISCLOSURE REQUIRED.

Not later than 1 month after the date of the enactment of this Act, the Chairman of the Board of Governors of the Federal Reserve System shall issue to the Congress a report disclosing—

(1) the details of the competitive request for proposal process that was used to select the investment managers of the Federal Reserve System's Agency Mortgage-Backed Security Purchase Program announced by the Federal Reserve System on November 25, 2008;

(2) all details of the contracts, including contract price, made between the Federal Reserve System and such investment managers; and

(3) steps that each such investment manager has taken to ensure that the investment manager has appropriately segregated the investment management team that implements the Agency Mortgage-Backed Security Purchase Program from other advisory and propriety trading activities undertaken by the investment manager and the members of the investment management team.

The CHAIR. Pursuant to House Resolution 62, the gentleman from Pennsylvania (Mr. PATRICK J. MURPHY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. PATRICK J. MURPHY of Pennsylvania. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, last fall we had to take emergency action to try and stop

the falling stock market and weakening credit markets. But I was not pleased when it took a subpoena threat to force financial institutions to release program details about the TARP, the Troubled Asset Relief Program.

Mr. Chairman, most folks in America are not aware, but the Federal Reserve, shortly before Thanksgiving, announced a half a trillion dollar effort to purchase MBS, Mortgage-Backed Securities, and contracted with four outside investment firms to manage it.

With another \$500 billion, half a trillion dollars at stake, Mr. Chairman, we cannot let or allow history to repeat itself.

□ 1300

We demand the details of the Fed's MBS program, and it is our duty to demand the information about how the Federal Reserve will run this program.

For example, the Fed has refused to make clear details about how they chose the four firms and who will manage the purchases. They have refused to share how much those firms are getting paid. And it is still unclear what steps have been taken to ensure strict conflict of interest provisions are put in place so that these four firms are not given an unfair market advantage because of their role in the mortgage backed securities program. Despite half a trillion dollars at stake, Mr. Chairman, there are still too many things we do not know.

Mr. Chairman, my amendment is simple. It will force the Fed to do three things.

First, it will force the Federal Reserve to disclose the details of the request process used to select the investment managers.

Second, it would force the Fed to disclose the details of the contracts reached with these four investment managers, including price.

And, third, it will force the Fed to disclose the steps that each investment manager has taken to ensure that the program is free of conflicts of interest or an unfair advantage.

Despite many requests from my office and news organizations, we have been unable to get the information relating to these contracts. With \$500 billion and the public trust at stake, this information is not too much to ask or an undue burden on the Federal Reserve.

I urge my colleagues to support my amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. GARRETT of New Jersey. Mr. Chairman, I ask unanimous consent to claim the time in opposition, but I am not in opposition to the amendment.

The CHAIR. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. GARRETT of New Jersey. I yield myself 3 minutes.

I think the intention and the language of the amendment is good, and I support the amendment to the underlying bill. There are just two points I want to make.

First of all, to the chairman, I support his comments the other day in committee when we had the Federal Reserve folks there when he said that he is going to be conducting hearings on the Federal Reserve come February. At that time I asked Mr. Cohen from the Fed if any of the provisions in the bill that we were looking at or discussing at the time, we didn't actually have the bill before us as a committee markup, would any of these provisions apply to the Fed as far as the way they conduct themselves in the future, and his answer was in essence no. What you are trying to do now is to at least put something in this legislation to apply to it.

I commend the chairman for saying that we need to do a further investigation on the Fed on their expansive growth of power and authority and their use of it.

With that said, my only regret is that this type of provision was not included in the first TARP, because, once again, as I have said before and others have said on the floor as well, we have already spent \$350 billion. Now, it wasn't on an asset acquisition program, but that is what the initial bill was intended to be. The initial TARP was a program to buy up toxic assets from the banks, and had we gone through regular order at that time, we could have had language in the original TARP bill to say that language like this, full disclosure, regulation on how everything is performed and who the managers are and so on and so forth, could have been done in the first TARP 1.

Unfortunately, that wasn't done. We rushed through the process at that time. We rushed through without a full hearing on it, we rushed through without a markup, and we were not allowed, and I assume the gentleman was not facilitated with, an opportunity to offer such language in the first TARP 1 at that time, not necessarily with regard to the Fed as here, but with how TARP 1 would spend the money and how TARP 1 would be looking for the same accountability.

I will close on this, just saying I commend the gentleman here. I will support his amendment and hopefully look forward to working with the chairman in February to have those hearings with regard to the Fed to get this job done thoroughly.

I reserve the balance of my time.

Mr. PATRICK J. MURPHY of Pennsylvania. Mr. Chairman, I appreciate any colleague from New Jersey's support of our bill and the effort for transparency and accountability.

At this time, Mr. Chairman, I would like to yield such time as he may consume to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. I thank the gentleman. It is a very important amendment.

The suggestion by the gentleman from New Jersey that if this had been put forward by a Member in September

it would have been rejected has no basis. A number of Members did put forward changes at that point which we accepted. I think the reason this did not come forward is this: This is here because it is tied into the TARP. I should say that this is as much as can be done, and I commend the gentleman for his initiative. We need to do much more with the Federal Reserve.

Last September, the Federal Reserve and the Treasury came to us, congressional leadership, the leadership of the committees, and said the Federal Reserve is going to give \$80 billion to AIG. I asked Mr. Bernanke if he had \$80 billion. He said, "I have \$800 billion."

We had not previously focused on a statute from the thirties that gives the Fed of the ability to lend money it has control of to any entity where he thinks it is sufficiently collateralized. That has much moved since September, only since September. We were very shortly out of session. That is why in early February we will have a hearing in which we will ask the Fed to account for all of this.

Now, we are able to do this here because part of the Fed's program is collateralized to some extent or capitalized by the TARP so we have a hook there. The reason this wasn't offered in the fall, my guess is that nobody at that point anticipated that the Fed would be in conjunction with the TARP capitalizing this.

By the way, I also accept the compliment about this process. We have been told that we were doing this too quickly, exactly as we did too quickly last time. But the fact this amendment is before us contradicts that. A large number of amendments have been put forward, because this has been in discussion in the House for some time.

So we could have done it in September. Nobody anticipated at that point, at least we did not, the extent to which the Fed would mushroom in this case. My guess is they didn't either, that they had a more optimistic view of the economy.

At any rate, this does a good job of giving us this information where there is a linkage between the Federal Reserve and TARP money. But that is not enough. The gentleman has done the most that we can do in this bill.

Beginning in February we will start having hearings, and I do believe, yes, we have to examine the enormous grant of power given to the Federal Reserve under this statute from the Depression. It has been very rarely used. It was used I think in one of the financial crises of the nineties.

This is a phenomenon that really grew. So Members will understand, when the Federal Reserve granted \$29 billion to the creditors of Bear Stearns, we thought that was a lot of money at the time. It turns out to have been a rounding error in what they are doing. So, yes, it is time for us now that they have mushroomed this, and I don't say this critically, we have to look into it.

The CHAIR. The gentleman's time has expired.

Mr. GARRETT of New Jersey. Again, I support the gentleman's underlying amendment and will support the vote on it. But as I hear the chairman's comments, I am sitting here with regard to the idea that amendments were allowed, that this could have been done through TARP 1 through an amendment.

I am sitting here racking my brain. To the best of my knowledge, there were no amendments that were going through on the floor on this at this time, so the gentleman or myself would not have been allowed to do that, and I know that we did not have a hearing or a markup in committee on TARP 1, so there was absolutely no possibility at that time for the chairman to entertain either your amendment or my amendment or anyone else's amendment. Of course, we didn't have a markup, so there was not an opportunity for either one of us to confer.

Mr. FRANK of Massachusetts. Will the gentleman yield?

Mr. GARRETT of New Jersey. No, I will just close on my point.

There was not an opportunity during the first go round with TARP 1. There may have been ideas discussed, there may have been ideas that were floated up and down and with the chairman's discussions with the White House and what have you as to which is the best way to implement TARP 1 and what have you. But to the best of my knowledge, there was no committee hearing, there was no markup, there was no avenue for us to make formal amendments during the regular course of progress during that sequence of time, and that is the unfortunate aspect of this.

Yes, I support the amendment. Yes, I will be working with the chairman on the work with regard to the work with the Fed. But no with regard to the process we have gone through in the past; no with the opportunity of anyone from either side of the aisle to have an opportunity to enter amendments, discussion or otherwise in the committee meetings, since there was no markup, neither on the floor as well.

Finally we are beginning to go in the right direction as far as allowing amendments, but we are still not going in the right direction as far as allowing full committee meetings.

We still are not going in the right direction, where we would be allowed to have a full committee hearing on this, where we could have vetted this and the other ideas that had come before. The gentleman from New Jersey, for example, had what I thought was a good idea, and had we had the opportunity there to vet that through process, we probably would be standing right here now and supporting that and getting that in this bill as well.

If this House would only go by the rules of the House and regular order, we would be doing better for the American public. We would be passing legislation that would be protecting the

American taxpayer. We would be passing legislation actually providing for the transparency and accountability I think that both of us want, both on the original \$350 billion and on this \$350 billion.

We have not done that, unfortunately, in the past, and, unfortunately, quite candidly, we are not doing that that here as well.

I yield back the balance of my time. The CHAIR. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. PATRICK J. MURPHY).

The question was taken; and the Chair announced that the ayes appeared to have it.

Mr. PATRICK J. MURPHY of Pennsylvania. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Pennsylvania will be postponed.

ANNOUNCEMENT BY THE CHAIR

The CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 111-3 on which further proceedings were postponed, in the following order:

Amendment No. 1 by Mr. FRANK of Massachusetts.

Amendment No. 3 by Mr. HENSARLING of Texas.

Amendment No. 5 by Mrs. BACHMANN of Minnesota.

Amendment No. 7 by Mr. PATRICK J. MURPHY of Pennsylvania.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 1 OFFERED BY MR. FRANK OF MASSACHUSETTS

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. FRANK) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 275, noes 152, not voting 12, as follows:

[Roll No. 19]

AYES—275

Abercrombie	Berry	Butterfield
Ackerman	Biggart	Camp
Adler (NJ)	Bishop (GA)	Campbell
Andrews	Bishop (NY)	Capito
Arcuri	Blumenauer	Capps
Baca	Boccheri	Capuano
Baird	Bono Mack	Cardoza
Baldwin	Boren	Carnahan
Barrow	Boswell	Carson (IN)
Barton (TX)	Boyd	Castle
Bean	Brady (PA)	Castor (FL)
Becerra	Braley (IA)	Chandler
Berkley	Bright	Childers
Berman	Brown, Corrine	Clarke

Clay	Kagen	Pingree (ME)
Cleaver	Kanjorski	Polis (CO)
Clyburn	Kaptur	Pomeroy
Cohen	Kennedy	Price (NC)
Connolly (VA)	Kildee	Rahall
Conyers	Kilpatrick (MI)	Rangel
Cooper	Kilroy	Reichert
Costa	Kind	Reyes
Costello	King (NY)	Richardson
Courtney	Kissell	Rodriguez
Crowley	Klein (FL)	Ros-Lehtinen
Cuellar	Kosmas	Ross
Cummings	Kratovil	Rothman (NJ)
Dahlkemper	Kucinich	Roybal-Allard
Davis (AL)	Lance	Ruppersberger
Davis (CA)	Langevin	Rush
Davis (IL)	Larsen (WA)	Ryan (OH)
Davis (TN)	Larson (CT)	Salazar
DeFazio	LaTourrette	Sánchez, Linda T.
DeGette	Lee (CA)	Sanchez, Loretta
Delahunt	Levin	Sarbanes
DeLauro	Lewis (GA)	Schakowsky
Dent	Lipinski	Schauer
Diaz-Balart, M.	LoBiondo	Schiff
Dicks	Loebsock	Schmidt
Dingell	Lofgren, Zoe	Schock
Donnelly (IN)	Lowe	Schrader
Doyle	Lujan	Schwartz
Driehaus	Lynch	Scott (GA)
Edwards (MD)	Maffei	Scott (VA)
Edwards (TX)	Maloney	Serrano
Ehlers	Markey (CO)	Shea-Porter
Ellison	Markey (MA)	Sherman
Ellsworth	Marshall	Sires
Engel	Massa	Skelton
Eshoo	Matheson	Slaughter
Etheridge	Matsui	Smith (NJ)
Farr	McCarthy (NY)	Smith (WA)
Fattah	McCollum	Souder
Finer	McCotter	Space
Foster	McDermott	Speier
Frank (MA)	McGovern	Spratt
Fudge	McHugh	Stark
Gerlach	McMahon	Stearns
Giffords	McNerney	Stupak
Gillibrand	Meek (FL)	Sutton
Gonzalez	Meeks (NY)	Tanner
Gordon (TN)	Melancon	Tauscher
Grayson	Michaud	Teague
Green, Al	Miller (MI)	Thompson (CA)
Green, Gene	Miller (NC)	Thompson (MS)
Grijalva	Miller, George	Tiahrt
Gutierrez	Mitchell	Tiberi
Hall (NY)	Mollohan	Tierney
Halvorson	Moore (KS)	Titus
Hare	Moore (WI)	Tonko
Harman	Moran (KS)	Towns
Hastings (FL)	Moran (VA)	Tsongas
Heinrich	Murphy (CT)	Turner
Herseth Sandlin	Murphy, Patrick	Upton
Higgins	Murtha	Van Hollen
Hill	Nadler (NY)	Napolitano
Himes	Napolitano	Velazquez
Hinchee	Neal (MA)	Visclosky
Hinojosa	Norton	Walz
Hirono	Nye	Wasserman
Hodes	Oberstar	Schultz
Hoekstra	Obey	Waters
Holt	Oliver	Watson
Honda	Ortiz	Watt
Hoyer	Pallone	Waxman
Inslee	Pascrell	Weiner
Israel	Pastor (AZ)	Welch
Jackson (IL)	Payne	Wexler
Jackson-Lee	Perlmutter	Wilson (OH)
(TX)	Perriello	Woolsey
Jenkins	Peters	Wu
Johnson (GA)	Petri	Yarmuth
Johnson, E. B.	Pierluisi	

NOES—152

Aderholt	Brady (TX)	Cole
Akin	Broun (GA)	Conaway
Alexander	Brown (SC)	Crenshaw
Altmire	Brown-Waite,	Culberson
Austria	Ginny	Davis (KY)
Bachmann	Buchanan	Deal (GA)
Bachus	Burgess	Doggett
Barrett (SC)	Burton (IN)	Dreier
Bartlett	Buyer	Duncan
Bilbray	Calvert	Emerson
Bilirakis	Cantor	Fallin
Bishop (UT)	Cao	Flake
Blackburn	Carney	Fleming
Blunt	Carter	Forbes
Boehner	Cassidy	Fortenberry
Bonner	Chaffetz	Fox
Boozman	Coble	Franks (AZ)
Boustany	Coffman (CO)	Frelinghuysen

Gallegly	Lucas	Putnam
Garrett (NJ)	Luetkemeyer	Radanovich
Gingrey (GA)	Lummis	Rehberg
Gohmert	Lungren, Daniel E.	Roe (TN)
Goodlatte	Mack	Rogers (AL)
Granger	Manzullo	Rogers (KY)
Graves	Marchant	Rogers (MI)
Griffith	McCarthy (CA)	Rohrabacher
Guthrie	McCaul	Rooney
Hall (TX)	McClintock	Roskam
Harper	McHenry	Royce
Hastings (WA)	McIntyre	Ryan (WI)
Heller	McKeon	Scalise
Hensarling	McMorris	Sensenbrenner
Herge	Rodgers	Shadegg
Holden	Mica	Shimkus
Hunter	Miller (FL)	Shuster
Inglis	Miller, Gary	Simpson
Issa	Minnick	Smith (NE)
Johnson (IL)	Murphy, Tim	Smith (TX)
Johnson, Sam	Myrick	Taylor
Jones	Neugebauer	Terry
Jordan (OH)	Nunes	Thompson (PA)
King (IA)	Olson	Thornberry
Kingston	Paul	Walden
Kirk	Paulsen	Wamp
Kirkpatrick (AZ)	Pence	Westmoreland
Kline (MN)	Peterson	Whitfield
Lamborn	Pitts	Wilson (SC)
Latham	Platts	Wittman
Latta	Poe (TX)	Wolf
Lee (NY)	Posey	Young (AK)
Lewis (CA)	Price (GA)	Young (FL)
Linder		

NOT VOTING—12

Bordallo	Faleomavaega	Shuler
Boucher	Sablan	Snyder
Christensen	Sessions	Solis (CA)
Diaz-Balart, L.	Sestak	Sullivan

□ 1337

Messrs. HOLDEN, CRENSHAW, MCINTYRE, and CASSIDY changed their vote from “aye” to “no.”

Messrs. WATT, HOEKSTRA, OLVER, and Mrs. BIGGERT changed their vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

(By unanimous consent, Ms. ZOE LOFGREN of California was allowed to speak out of order.)

ANNOUNCING THE BIRTH OF MOLLY HANNAH SHERMAN

Ms. ZOE LOFGREN of California. Mr. Chairman, I rise to make a very happy announcement.

Our colleague, Congressman BRAD SHERMAN, and his wife, Lisa, had their first child last night—a beautiful baby girl. Molly Hannah Sherman is 7 pounds, 15.6 ounces. I am pleased to report that mother and baby are doing splendidly and that the father is expected to recover.

ANNOUNCEMENT BY THE CHAIR

The CHAIR. Without objection, 5-minute voting will continue.

There was no objection.

AMENDMENT NO. 3 OFFERED BY MR. HENSARLING

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. HENSARLING) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 151, noes 274, not voting 14, as follows:

[Roll No. 20]

AYES—151

Aderholt	Forbes	McMorris
Akin	Foxx	Rodgers
Alexander	Franks (AZ)	Mica
Austria	Frelinghuysen	Miller (FL)
Bachmann	Gallely	Miller, Gary
Bachus	Garrett (NJ)	Minnick
Barrett (SC)	Gingrey (GA)	Murphy, Tim
Bartlett	Gohmert	Myrick
Barton (TX)	Goodlatte	Neugebauer
Biggert	Granger	Nunes
Bilbray	Graves	Olson
Bilirakis	Guthrie	Paul
Bishop (UT)	Hall (TX)	Paulsen
Blackburn	Harper	Pence
Blunt	Hastings (WA)	Petri
Boehner	Hensarling	Pitts
Bonner	Herger	Poe (TX)
Bono Mack	Hoekstra	Posey
Boozman	Hunter	Price (GA)
Boustany	Inglis	Radanovich
Brady (TX)	Issa	Rehberg
Broun (GA)	Jenkins	Rogers (AL)
Brown (SC)	Johnson, Sam	Rogers (KY)
Brown-Waite,	Jordan (OH)	Rogers (MI)
Ginny	King (IA)	Rooney
Buchanan	King (NY)	Ros-Lehtinen
Burgess	Kline (MN)	Royce
Burton (IN)	Lamborn	Ryan (WI)
Buyer	Lance	Scalise
Calvert	Latham	Schmidt
Camp	LaTourette	Schock
Campbell	Latta	Sensenbrenner
Cantor	Lee (NY)	Shadegg
Cao	Lewis (CA)	Shuster
Capito	Linder	Simpson
Carter	LoBiondo	Smith (NE)
Cassidy	Lucas	Smith (NJ)
Castle	Luetkemeyer	Smith (TX)
Chaffetz	Lummis	Souder
Coffman (CO)	Cole	Stearns
Cole	Lungren, Daniel	Thompson (PA)
Conaway	E.	Thornberry
Culberson	Mack	Tiahrt
Cummings	Manzullo	Tiberi
Davis (KY)	Marchant	Walden
Diaz-Balart, M.	McCarthy (CA)	Westmoreland
Dreier	McCaul	Wilson (SC)
Duncan	McClintock	Wittman
Ellsworth	McCotter	Wolf
Fallin	McHenry	Young (FL)
Flake	McHugh	
Fleming	McKeon	

NOES—274

Abercrombie	Chandler	Ehlers
Ackerman	Childers	Ellison
Adler (NJ)	Clarke	Emerson
Altmire	Clay	Engel
Andrews	Cleaver	Eshoo
Arcuri	Clyburn	Etheridge
Baca	Coble	Farr
Baird	Cohen	Fattah
Baldwin	Connolly (VA)	Filner
Barrow	Conyers	Fortenberry
Bean	Cooper	Foster
Becerra	Costa	Frank (MA)
Berkley	Costello	Fudge
Berman	Courtney	Gerlach
Berry	Crenshaw	Giffords
Bishop (GA)	Crowley	Gillibrand
Bishop (NY)	Cuellar	Gonzalez
Blumenauer	Dahlkemper	Gordon (TN)
Boccieri	Davis (AL)	Grayson
Bordallo	Davis (CA)	Green, Al
Boren	Davis (IL)	Green, Gene
Boswell	Davis (TN)	Griffith
Boyd	DeFazio	Grijalva
Brady (PA)	DeGette	Gutierrez
Braley (IA)	Delahunt	Hall (NY)
Bright	DeLauro	Halvorson
Brown, Corrine	Dent	Hare
Butterfield	Dicks	Harman
Capps	Dingell	Hastings (FL)
Capuano	Doggett	Heinrich
Cardoza	Donnelly (IN)	Heller
Carnahan	Doyle	Herseth Sandlin
Carney	Drieaus	Higgins
Carson (IN)	Edwards (MD)	Hill
Castor (FL)	Edwards (TX)	Himes

Hinchey	McMahon	Sanchez, Loretta
Hinojosa	McNerney	Sarbanes
Hirono	Meek (FL)	Schakowsky
Hodes	Meeks (NY)	Schauer
Holden	Melancon	Schiff
Holt	Michaud	Schrader
Honda	Miller (MI)	Schwartz
Hoyer	Miller (NC)	Scott (GA)
Inslee	Miller, George	Scott (VA)
Israel	Mitchell	Serrano
Jackson (IL)	Mollohan	Shea-Porter
Jackson-Lee	Moore (KS)	Sherman
(TX)	Moore (WI)	Shimkus
Johnson (GA)	Moran (KS)	Sires
Johnson (IL)	Moran (VA)	Skelton
Johnson, E. B.	Murphy (CT)	Slaughter
Jones	Murphy, Patrick	Smith (WA)
Kagen	Nadler (NY)	Space
Kanjorski	Napolitano	Speier
Kaptur	Neal (MA)	Spratt
Kennedy	Norton	Stark
Kildee	Nye	Stupak
Kilpatrick (MI)	Obey	Sutton
Kilroy	Oliver	Tanner
Kind	Ortiz	Tauscher
Kingston	Pallone	Taylor
Kirk	Kissell	Teague
Kirkpatrick (AZ)	Pascarell	Thompson (CA)
Kissell	Pastor (AZ)	Thompson (MS)
Klein (FL)	Payne	Tierney
Kosmas	Perlmutter	Titus
Kratovil	Perriello	Tonko
Kucinich	Peters	Towns
Langevin	Peterson	Tsongas
Larsen (WA)	Pierluisi	Turner
Larson (CT)	Pingree (ME)	Upton
Lee (CA)	Platts	Van Hollen
Levin	Polis (CO)	Velázquez
Lewis (GA)	Pomeroy	Visclosky
Lipinski	Price (NC)	Walz
Loeback	Putnam	Wamp
Lofgren, Zoe	Rahall	Wasserman
Lowe	Rangel	Schultz
Lujan	Reyes	Waters
Lynch	Richardson	Watson
Maffei	Rodriguez	Watt
Maloney	Roe (TN)	Waxman
Markley (CO)	Rohrabacher	Weiner
Markley (MA)	Roskam	Welch
Marshall	Ross	Wexler
Massa	Rothman (NJ)	Whitfield
Matheson	Roybal-Allard	Wilson (OH)
Matsui	Ruppersberger	Woolsey
McCarthy (NY)	Ryan (OH)	Wu
McCollum	Salazar	Yarmuth
McDermott	Sánchez, Linda	Young (AK)
McGovern	T.	
McIntyre		

NOT VOTING—14

Boucher	Rush	Snyder
Christensen	Sablan	Solis (CA)
Deal (GA)	Sessions	Sullivan
Diaz-Balart, L.	Sestak	Terry
Faleomavaega	Shuler	

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There are 2 minutes remaining in this vote.

□ 1347

Messrs. FRANK of Massachusetts and OBERSTAR changed their vote from “aye” to “no.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 5 OFFERED BY MRS. BACHMANN

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Minnesota (Mrs. BACHMANN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 142, noes 282, not voting 15, as follows:

[Roll No. 21]

AYES—142

Aderholt	Foxx	McKeon
Akin	Franks (AZ)	McMorris
Alexander	Frelinghuysen	Rodgers
Austria	Gallely	Mica
Bachmann	Garrett (NJ)	Miller (FL)
Bachus	Gingrey (GA)	Miller, Gary
Barrett (SC)	Gohmert	Moran (KS)
Bartlett	Goodlatte	Myrick
Biggert	Granger	Neugebauer
Bilbray	Graves	Nunes
Bilirakis	Guthrie	Olson
Bishop (UT)	Hall (TX)	Paul
Blackburn	Harper	Paulsen
Blunt	Hastings (WA)	Pence
Boehner	Hensarling	Petri
Bonner	Herger	Poe (TX)
Bono Mack	Hoekstra	Posey
Boozman	Hunter	Price (GA)
Boustany	Inglis	Putnam
Brady (TX)	Issa	Radanovich
Broun (GA)	Jenkins	Rehberg
Brown (SC)	Johnson (IL)	Roe (TN)
Brown-Waite,	Johnson, Sam	Rogers (AL)
Ginny	Jordan (OH)	Rogers (KY)
Burton (IN)	King (IA)	Rogers (MI)
Buyer	Kingston	Rooney
Calvert	Kirk	Roskam
Camp	Kline (MN)	Royce
Campbell	Lamborn	Ryan (WI)
Cantor	Lance	Scalise
Cao	Latham	Sensenbrenner
Capito	Latta	Shadegg
Carter	Lee (NY)	Shimkus
Cassidy	Lewis (CA)	Shuster
Castle	Linder	Simpson
Chaffetz	LoBiondo	Smith (NE)
Coffman (CO)	Lucas	Smith (TX)
Cole	Luetkemeyer	Stearns
Conaway	Lummis	Thompson (PA)
Culberson	Lungren, Daniel	Thornberry
Cummings	E.	Tiahrt
Davis (KY)	Mack	Wamp
Dreier	Manzullo	Westmoreland
Duncan	Marchant	Whitfield
Ellsworth	McCarthy (CA)	Wilson (SC)
Fallin	McCaul	Wittman
Flake	McClintock	Young (FL)
Fleming	McCotter	
Forbes	McHenry	

NOES—282

Abercrombie	Childers	Farr
Ackerman	Clarke	Fattah
Adler (NJ)	Clay	Filner
Altmire	Cleaver	Fortenberry
Andrews	Clyburn	Foster
Arcuri	Cohen	Frank (MA)
Baca	Connolly (VA)	Fudge
Baird	Conyers	Gerlach
Baldwin	Cooper	Giffords
Barrow	Costa	Gillibrand
Barton (TX)	Costello	Gonzalez
Bean	Courtney	Gordon (TN)
Becerra	Crowley	Grayson
Berkley	Cuellar	Green, Al
Berman	Cummings	Green, Gene
Berry	Dahlkemper	Griffith
Bishop (GA)	Davis (AL)	Grijalva
Bishop (NY)	Davis (CA)	Gutierrez
Blumenauer	Davis (IL)	Hall (NY)
Boccieri	Davis (TN)	Halvorson
Bordallo	DeFazio	Hare
Boren	DeGette	Harman
Boswell	Delahunt	Hastings (FL)
Boyd	DeLauro	Heinrich
Brady (PA)	Dent	Heller
Braley (IA)	Diaz-Balart, M.	Herseth Sandlin
Bright	Dicks	Higgins
Brown, Corrine	Dingell	Hill
Buchanan	Doggett	Himes
Burgess	Donnelly (IN)	Hinchey
Butterfield	Doyle	Hinojosa
Capps	Drieaus	Hirono
Capuano	Edwards (MD)	Hodes
Cardoza	Edwards (TX)	Holden
Carnahan	Ehlers	Holt
Carney	Ellison	Honda
Carson (IN)	Ellsworth	Hoyer
Castle	Engel	Inslee
Castor (FL)	Eshoo	Israel
Chandler	Etheridge	Jackson (IL)

Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B. Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (NY)
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loeb sack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)

Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler (NY)
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Oliver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pierluisi
Pingree (ME)
Pitts
Polis (CO)
Platts
Pomeroy
Price (NC)
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Rohrabacher
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Ryan (OH)
Sablan
Salazar
Salazar, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer

Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Souder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Titus
Townes
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walzen
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)

NOT VOTING—15

Boucher
Christensen
Deal (GA)
Diaz-Balart, L.
Faleomavaega

Moore (WI)
Rush
Sessions
Sestak
Shuler

Snyder
Solis (CA)
Sullivan
Terry
Tonko

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). Two minutes remaining in this vote.

□ 1354

Mr. DANIEL E. LUNGREN of California changed his vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. TONKO. Mr. Chair, on rollcall No. 21, I was unavoidably detained. Had I been present, I would have voted “no.”

AMENDMENT NO. 7 OFFERED BY MR. PATRICK J. MURPHY OF PENNSYLVANIA

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Pennsylvania (Mr. PATRICK J. MURPHY) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIR. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 426, noes 0, not voting 13, as follows:

[Roll No. 22]

AYES—426

Abercrombie
Ackerman
Aderholt
Adler (NJ)
Akin
Alexander
Altmire
Andrews
Arcuri
Austria
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Bocciari
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boustany
Boyd
Brady (PA)
Brady (TX)
Braley (IA)
Bright
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castle
Castor (FL)
Chaffetz
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)

Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Flake
Fleming
Forbes
Fortenberry
Foster
Fox
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gordon (TN)
Granger
Graves
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Guthrie
Gutierrez
Hall (NY)
Hall (TX)
Halvorson
Hare
Harman
Harper
Hastings (FL)
Hastings (WA)
Heinrich
Heller
Hensarling
Herger
Herseth Sandlin
Higgins

Hill
Himes
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis
Inslie
Israel
Issa
Jackson (IL)
Jackson-Lee
(TX)
Jenkins
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones
Jordan (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kline (MN)
Kosmas
Kratovil
Kucinich
Lamborn
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Lee (NY)
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loeb sack
Lofgren, Zoe
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel
E.
Lynch
Mack
Maffei
Maloney
Manzullo
Marchant
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock

McCollum
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMahon
McMorris
Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler (NY)
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Nye
Oberstar
Obey
Olson
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Payne
Pence
Perlmutter
Perriello
Peters
Peterson
Petri

Pierluisi
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis (CO)
Pomeroy
Posey
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Rangel
Rehberg
Reichert
Reyes
Richardson
Rodriguez
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Ross
Rothman (NJ)
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Sablan
Salazar
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schalise
Schakowsky
Schauer
Schiff
Schmidt
Schock
Schrader
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shadegg
Shea-Porter
Sherman
Shimkus
Shuster
Simpson

Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Teague
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Tierney
Titus
Tonko
Townes
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walzen
Wamp
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Westmoreland
Wexler
Whitfield
Wilson (OH)
Wilson (SC)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—13

Boucher
Christensen
Deal (GA)
Diaz-Balart, L.
Faleomavaega

Rush
Sessions
Sestak
Shuler
Snyder

Solis (CA)
Sullivan
Terry

ANNOUNCEMENT BY THE CHAIR

The CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1403

Mr. MORAN of Virginia changed his vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. MORAN of Virginia. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Ms. BERKLEY) having assumed the chair, Mr. SALAZAR, Chair of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 384) to reform the Troubled Assets Relief Program of the Secretary of the Treasury and ensure accountability under such Program, and for other purposes, had come to no resolution thereon.

LEGISLATIVE PROGRAM

(Mr. CANTOR asked and was given permission to address the House for 1 minute.)

Mr. CANTOR. Madam Speaker, I yield to the gentleman from Maryland, the majority leader, for the purpose of announcing next week's schedule.

Mr. HOYER. I thank my friend, the Republican whip, for yielding.

On Monday, the House is not in session. Monday is the Federal holiday to celebrate the birthday of Martin Luther King, Jr. I might observe, as I am sure all the Members know, that today is in fact Martin Luther King's birthday, January 15. Extraordinary life. His bust is in the Rotunda. It is a real honor to be able to honor his birth and his message and his vision on Monday.

This is a particularly auspicious recognition of the life of Martin Luther King, Jr. How proud he would be to know that the day after we recognize his birth and his message and his contribution to our country, we will inaugurate the 44th President of the United States of America, an African American; a statement that the dream, although not clearly still fully recognized, nevertheless is a dream shared by all of America.

On Wednesday, Madam Speaker, the House will meet at 12 p.m. for legislative business with votes no earlier than 3 p.m. Let me reiterate that. We will be meeting on Wednesday at 12 p.m., with votes not expected before 3 p.m. Obviously, with the inaugural day, we don't want to have people have to come in too early, not necessarily because of anything they may be doing the night before, but because of scheduling they may or may not be here the night before.

On Thursday, the House will meet at 10 a.m. for legislative business. On Friday, no votes are expected.

We will consider several bills under suspension of the rules. A complete list of suspension bills will be announced by the close of business tomorrow.

In addition, Madam Speaker, we will complete consideration of H.R. 384, the bill we were just considering, the TARP Reform and Accountability Act, we expect to complete. We also expect to consider a privileged resolution relating to the disapproval of the obligations under the Emergency Economic Stabilization Act of 2008.

Mr. CANTOR. I thank the gentleman, Madam Speaker.

And I would like to bring the gentleman back to a conversation that we had last week regarding the SCHIP bill. Because, frankly, Madam Speaker, I'm a little bit concerned that the Democrat majority is not fulfilling President-elect Obama's calls for bipartisanship. Because I would say to the gentleman, last week you told the House that you were working towards having the SCHIP bill available to us for a full 48 hours before bringing it to the floor; and as the gentleman knows, that did not happen.

And I know the American people are not concerned about the process here

in this House, but I do know that the public wants their Congress to function openly. This truly is about bipartisanship and transparency, and I believe that the American people deserve both.

And as we discussed, Madam Speaker, last week, there are 55 new Members of this House. Those 55 new Members had less than 24 hours to review a 285-page bill that spent \$72 billion in American taxpayer dollars, and none of these Members were even allowed to offer an amendment.

So I would like to ask the majority leader if he would commit to allowing at least 48 hours for Members and the American public to review bills prior to a vote in the House.

Mr. HOYER. If the gentleman will yield?

Mr. CANTOR. I yield.

Mr. HOYER. I thank the gentleman for yielding and I appreciate his observation.

I did say we were going to try to give 48 hours. I may have said we were going to give 48 hours, but we did not give 48 hours, the gentleman is correct. The gentleman probably knows the reason we didn't give 48 hours is because we hadn't gotten a CBO scoring, so we were unable to finalize the bill until we got that scoring. We did give approximately 24 hours.

But I say to the gentleman, with all due respect, yes, it was a lengthy bill, but of course the bill had been passed almost in exactly the same form either in the CHAMP bill or in the SCHIP bill itself, so that clearly the overwhelming majority of the text of the bill and the provisions of the bill have been available essentially for over a year.

But having said that, I want you to know and I want to reiterate my intention to give the maximum amount of notice; 48 hours I think is clearly a target that we want to set. I don't want to make a commitment that we will not bring a bill without 48 hours notice. The gentleman, if you would confer with your predecessor—his predecessors, I would say—sometimes it's very difficult to do that.

But the gentleman is absolutely correct, not only new Members, but all Members are certainly entitled to have the respect for their view and their opportunity to represent their constituents, to have appropriate notice, and we will certainly strive for that. I've reiterated to the committee Chairs and to our leadership that I want to follow regular order to the extent possible. And when I say the extent possible, we're in extraordinary times. This did not necessarily relate to the SCHIP bill, other than we had clearly considered that twice, had it voted upon numerous times in this House, and the overwhelming majority, I don't know the percentage, but I would say 95 percent of the bill was exactly as we had passed it in either the CHAMP bill or the SCHIP bill. But I am aware of the gentleman's concerns, and I want to tell him I share his concerns, and we will be working toward the end that he seeks to achieve.

Mr. CANTOR. I thank the gentleman for that.

Madam Speaker, I would also ask the gentleman if he would commit to allowing both Republicans and Democrats the ability to offer amendments on a regular basis, especially as, in this instance, when a bill comes to the floor without committee consideration.

Mr. HOYER. I understand the gentleman's concern. As you know, we are now considering a bill which has both Republican and Democratic amendments, very important bill, conditions for accountability and transparency and dealing with mortgage failures in the present bill that's on the floor. And certainly that will be my objective.

□ 1415

Mr. CANTOR. I thank the gentleman.

Madam Speaker, I would like to further inquire of the gentleman, along those lines, I know that we now are looking at next week, as you suggest, beginning the legislative process on the consideration of a stimulus bill. And I would note that two of the gentleman's chairmen, the gentleman from New York (Mr. RANGEL) and Mr. OBEY from the Appropriations Committee, have released summaries of the House Democratic economic recovery package. However, both gentlemen have not publicly released legislative texts. And I would say to the gentleman it is one thing for us to have a summary of the bill; it is another when we are contemplating spending \$825 billion of the taxpayers' money as to when the text of a reported stimulus bill could be made publicly available.

Mr. HOYER. I would hope and expect the text to be available by the end of business tomorrow. I'm very hopeful that that will be the case.

Again, you understand the practical problems as they are now drafting all of the agreement. But we want it available, and hopefully the text will be available by the end of the week.

Mr. CANTOR. I thank the gentleman.

Madam Speaker, I further say that the Appropriations Committee on the Republican side of the aisle are extremely concerned, and they should be, that they will not be given the customary 3 days to review the text prior to any markup, and this is, after all, the committee rule. Our members are being told that today, Friday, and next Tuesday will count as the 3 days required under the committee rules; however, as we all know, on Tuesday almost no one will be allowed in the building due to the inauguration.

So, Madam Speaker, I ask the gentleman from Maryland, the majority leader, in his capacity as the leader and a former appropriator, can he ensure us and ensure the members of the Appropriations Committee that their markup will not begin before next Thursday?

Mr. HOYER. I cannot give the gentleman that assurance given the time frame that Mr. OBEY is on. Obviously, as you know, the President and I think

in a bipartisan way this administration, without reference to the specific stimulus package or recovery and reinvestment package that we're talking about, believes that we need to act with dispatch. We need to act carefully. We need to act correctly. But we also need to act with dispatch.

I have just been told, by the way, that the text of the bill is online as we speak. So what I was going to say is that we need to act with dispatch, and as you can see, we're apparently doing that.

We have a crisis that confronts us. We have lost over 2.5 million jobs. We lost a million jobs in the last 2 months. People are hurting. We have and I know of you have a sense of urgency. We have worked with this administration to try to respond to the economic crisis that confronts us. Very frankly, Democrats worked in a very bipartisan way and a very supportive way with this President and the Secretary of Treasury in trying to respond to this crisis. As a matter of fact, I would suggest that Democrats were more responsive to the President's request and Secretary Paulson's request than some Members of his own party.

But that aside, we believe we need to act, as I said, with dispatch. We are doing that. I'm glad that this is online because now the committee will have Thursday, Friday, Saturday, Sunday, Monday, and Tuesday. Clearly while one may not be able to get into the Capitol, although I would be surprised if the Appropriations staff could not get in the Capitol, and I don't want to adopt that premise because I don't know that to be the case, but in any event, the text will be obviously available to anybody all over the country to look at, to comment on, and to be prepared to act on at the appropriate time. In addition to that, every Member now will have at least 1½ weeks to review the text of this before it comes to the floor.

Mr. CANTOR. I thank the gentleman for his remarks. I know that it's not customary for us to count holidays and weekends in those 3 days, but I do thank the gentleman for the intent of his remarks.

I would like to turn, Madam Speaker, to the issue of committee ratios. And I do know that there has been some progress made on the Energy and Commerce Committee. Essentially, Madam Speaker, my question to the gentleman is the ratio on the floor of the House is 59/41. And I am, as a member of the Ways and Means Committee, particularly puzzled how there is any justification for a ratio particularly on that committee where it is 63/37. And if he could allow me some insight as to how a ratio could be that different and what the reason for that would be.

Mr. HOYER. Will the gentleman yield?

Mr. CANTOR. Yes, I yield.

Mr. HOYER. I thank the gentleman for yielding. I didn't know you were going to ask that question; so I don't

have the specific facts in front of me. But it is my belief that the Ways and Means Committee has historically had a ratio, when your side of the aisle was in charge and my side of the aisle has been in charge, that did not reflect the exact ratio of the House. That's also true on a couple of other committees as well.

Generally speaking, however, in the discussions between Speaker PELOSI and Leader BOEHNER, the ratios were within a point or 2, I think, of the existing ratio. I know that we recently accommodated a request from the leader, from your leader, on the Energy and Commerce Committee, which I thought was appropriate for us to do. But I think, generally speaking, it reflects pretty closely the ratios between the parties in the House. But I think if you will look historically, and again I regret that I did not look it up, but I think historically the Ways and Means Committee has generally reflected a greater majority membership than the specific ratio of the parties on the floor of the House.

Mr. CANTOR. And I do say to the gentleman we appreciate the gesture on the part of the Speaker working with our leader to accommodate this disparity in the ratio on the Energy and Commerce Committee and hopefully in that spirit can continue to work together to try to slim down that disparity on the other committees in which it does exist.

Lastly, Madam Speaker, I would like to clarify what action the House will be taking next week on the bailout funds. As the majority leader has stated, he expects the House to vote on a resolution of disapproval. More plainly, for all the people of this country, this is a bill to block the remaining \$350 billion in bailout funds from being spent.

So to clarify again, Madam Speaker, I yield to the gentleman to respond to the statement that voting "yes" would block the bailout funds and voting "no" would allow the bailout funds to continue to be spent; is that correct?

Mr. HOYER. Will the gentleman yield?

Mr. CANTOR. I yield.

Mr. HOYER. The gentleman is correct. In the legislation which was passed pursuant to the request of President Bush and Secretary Paulson authorizing the TARP, they had asked for, as you know, \$700 billion in one lump sum. We believe, the majority on both sides of the aisle believe, that that ought to be at least in two tranches, two segments of \$350 billion. The legislation provided that for the second tranche to go forward, the President would have to ask for it. President Bush has now asked for that \$350 billion, and that the Congress would have immediately before it within 3 days the introduction of a resolution of disapproval of the request and that that would have to be considered. Any Member 6 days thereafter could ask that that resolution be brought to the floor. Now, in this case 6 days

thereafter would have been Sunday; so that would have been not appropriate or practical; so we put, as you know, in the rule the ability of the majority leader to call it up next week.

The legislation does not provide for the issue becoming moot. Now, what I mean by that is I don't know whether the Senate has voted—they may vote tomorrow. They obviously began procedurally on their resolution of disapproval today. If that resolution is not passed, then our action would be essentially without meaning but not necessarily without importance to the Members who want to vote on it, so that sometime next week, Wednesday or Thursday, my expectation is that we have Members who will want to vote on it. I will be discussing it with your side. I will discuss it with you and discuss it with our side bringing that to a vote, notwithstanding the fact that the Senate may make such a vote not a meaningful act in that President Bush's request would have already been sanctioned because both Houses need to disapprove and if the Senate didn't disapprove, our action will not effect a disapproval.

Mr. CANTOR. So I ask a follow-up, Madam Speaker, to the gentleman that the process for consideration of that resolution is yet to be determined?

Mr. HOYER. My expectation is we're going to have it on the floor next week. Members on both sides want to vote on it, but as I said, it will not have any legal effect if the Senate defeats the resolution of disapproval.

Mr. CANTOR. Madam Speaker, I thank the gentleman from Maryland, the majority leader.

--- HOUR OF MEETING ON TOMORROW

Mr. HOYER. Madam Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 4 p.m. tomorrow; and further, that when the House adjourns on that day, it adjourn to meet at 10 a.m. on Tuesday, January 20.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

--- TARP—AIG

(Mr. CROWLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CROWLEY. Madam Speaker, today, the House began consideration of legislation to strengthen the Troubled Assets Relief Program. Implementation of this legislation is urgently needed, and here's why:

Just last week AIG pulled back on a plan that would have cost taxpayers \$93 million. What prompted AIG to cancel its proposal? Three phone calls, none of which came from the Bush administration. They came from myself and Congressman PAUL KANJORSKI of Pennsylvania. AIG is just one example.

The Bush administration has been asleep at the switch throughout our economic recovery efforts. They have failed to monitor the actions of the companies and banks that have received Federal support through TARP; they have failed to place real caps on the excessive pay of corporate CEOs who take taxpayer money; and they have failed to ensure taxpayer-lent funds are being wisely spent.

Starting today our efforts to put our Nation's economy back on the right track will be taken in a new direction. With consideration of H.R. 384 and the start of the Obama administration, accountability and oversight will now govern TARP. After 8 years it is a new beginning for our country, and it couldn't have come at a better time, on the same day the Bank of America is seeking billions more in Federal assistance.

Reform is what the American people deserve because it is their money on the line.

WELCOMING THE IOWA NATIONAL GUARD TO WASHINGTON, DC FOR THE INAUGURATION

(Mr. LOEBSACK asked and was given permission to address the House for 1 minute.)

Mr. LOEBSACK. Madam Speaker, today, I would like to highlight the special role the Iowa National Guard will play in the historic inauguration of President-elect Barack Obama.

Approximately 1,000 Iowa National Guard troops, including 140 from my district, will join 6,000 other National Guardsmen and women from seven States to assist in the inaugural events. This historic trip to Washington, DC marks the first time in its 170-year history that the Iowa National Guard has participated in a presidential inauguration.

I have had the honor of meeting many of Iowa's citizen shouldered both at home when they have responded to natural disasters such as last summer's floods and abroad in Iraq and Afghanistan. They are some of Iowa's finest citizens and some of the finest troops in our military services.

I would like to extend a warm welcome to my fellow Iowans as they arrive in Washington. I am deeply proud of the role they will play in this historic event.

□ 1430

FEDERAL TAX CREDITS FOR STUDENTS AND THEIR FAMILIES

(Mr. DOGGETT asked and was given permission to address the House for 1 minute.)

Mr. DOGGETT. Madam Speaker, since the broad outlines of economic recovery legislation were first announced, Representative TOM PERRIELLO and I have been working with our colleagues to see that that legislation was strengthened to include

additional assistance for students and their families, students who deserve all the education that they are willing to work for.

Today we are pleased to announce success. The legislation that will be filed to improve and strengthen our economy at this time of economic downturn will include about \$12.5 billion in new federal assistance over the next 2 years in the form of federal tax credits. These tax credits will be expanded to include textbooks and course materials. They will help now so that every family that is spending a dollar on higher education this year will know they will get that dollar back, up to \$2,500 next year when they pay their tax return.

For the first time in history, this will be a refundable credit, as we proposed it, so that families making less than \$40,000 a year, who did not qualify for the full credit in the past, will now be entitled to get up to \$1,000 of their expenses. At a time of economic downturn, this is the time to support our students and their families. Help them and help rebuild our economy.

NATIONAL DRUG CONTROL STRATEGY FOR 2009—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 111-7)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committees on Armed Services, Education and Labor, Energy and Commerce, Foreign Affairs, Homeland Security, Judiciary, Natural Resources, Oversight and Government Reform, Small Business, Transportation and Infrastructure, Veterans' Affairs and Ways and Means and ordered to be printed:

To the Congress of the United States:

I am pleased to transmit the 2009 National Drug Control Strategy, consistent with the provisions of section 201 of the Office of National Drug Control Policy Reauthorization Act of 2006.

My Administration released its first National Drug Control Strategy in 2002 with the commitment to turn the tide against a problem that truly threatens everything that is good about our country. As we prepare to pass this noble charge to a new team of leaders, we can look back with satisfaction on what we have achieved together as a Nation. From community coalitions to our international partnerships, we pursued a balanced strategy that emphasized stopping initiation, reducing drug abuse and addiction, and disrupting drug markets.

The results of our efforts are clear. Together we have helped reduce teenage drug use by 25 percent since 2001. This means 900,000 fewer American teens are using drugs. The Access to Recovery program alone has extended treatment services to more than 260,000 Americans. Through law enforcement

cooperation and international partnerships, the United States has caused serious disruptions in the availability of drugs such as cocaine and methamphetamine, reducing the threat such drugs pose to the American people, while also denying profits to drug traffickers and terrorists.

Our work is by no means complete—we must build on these efforts both to further reduce drug use and to rise to new challenges. I thank the Congress for its support and ask that it continue to support this critical endeavor.

GEORGE W. BUSH.

THE WHITE HOUSE, January 15, 2009.

CONTINUATION OF NATIONAL EMERGENCY WITH RESPECT TO CERTAIN TERRORISTS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 111-8)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the emergency declared with respect to foreign terrorists who threaten to disrupt the Middle East peace process is to continue in effect beyond January 23, 2009.

The crisis with respect to the grave acts of violence committed by foreign terrorists who threaten to disrupt the Middle East peace process that led to the declaration of a national emergency on January 23, 1995, as expanded on August 20, 1998, has not been resolved. Terrorist groups continue to engage in activities that have the purpose or effect of threatening the Middle East peace process and that are hostile to United States interests in the region. Such actions constitute an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to foreign terrorists who threaten to disrupt the Middle East peace process and to maintain in force the economic sanctions against them to respond to this threat.

GEORGE W. BUSH.

THE WHITE HOUSE, January 15, 2009.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

(Mr. CUMMINGS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

ATTAIN ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. ROYBAL-ALLARD) is recognized for 5 minutes.

Ms. ROYBAL-ALLARD. Madam Speaker, I rise to introduce the Achievement Through Technology and Innovation Act of 2009.

The 111th Congress begins in an era of continued shrinking school budgets, overcrowded schools, and overextended teachers. On an individual and on a national level, these factors have dire consequences. The individual consequence is that millions of American children may never realize their full potential or the promise of the American dream.

The national consequence is that our country loses the benefits of our children's talents and their potential to become our Nation's next generation of leaders in education, science, law, research, economics, engineering and all the key disciplines that have helped to make our Nation the greatest in the world.

While there is no easy or single answer to the complex problems of education in our country, there are steps we can take now to put us on the path toward a quality education for all our children. One such step is to make technology literacy a priority and an integral part of every educational system in the country.

From credible studies, we know technology can have a tremendous positive impact on student learning. This is especially evident in low income and minority communities where students are vulnerable to falling behind and learning 21st century skills critical to individual success and to America's success in today's world economy.

Whether preparing for college or going directly into the workforce, students are increasingly required to have the high-tech skills employers and the world market continue to demand.

Therefore, it is a tragedy that in the United States today we have high dropout rates that exceed 50 percent and school districts that cannot keep up with the technology needs of their students. Passage of the ATTAIN Act will help us to address these serious problems.

For example, at the School for Global Studies in my district, I had the oppor-

tunity to see firsthand the benefits and the life-changing impact teaching with technology has on a child's life.

While touring the school, I met some of the students who confided that if it were not for the meaningful technology program at Global Studies, they probably would have dropped out of school and ended up in some serious trouble. Instead, these students are excited about learning and excited about their future.

The excitement and the hope students feel at Global Studies is what every child in our country deserves to feel about their education and the promise of their future. The ATTAIN Act will help to make that possibility a reality for all our children.

The ATTAIN Act would amend the Enhancing Education Through Technology program and the No Child Left Behind Act. Currently, the No Child Left Behind Act allocates 50 percent of technology education funds to schools with disadvantaged students through formula grants. The ATTAIN Act would increase that percentage to 60 percent. This funding would be used to purchase new technology and train teachers on how to effectively use these new tools.

The remaining 40 percent of ATTAIN funds would be distributed through competitive grants that encourage schools to undertake comprehensive, technology based, reform initiatives that have been proven to increase student achievement.

Madam Speaker, we know that when teachers are properly trained and schools are properly equipped with technology, students are engaged, eager to learn, and ultimately better prepared to address and to lead our country to meet the challenges of the 21st century. We have already lost the untapped talents of thousands of our young people.

Passage of the ATTAIN Act will help to reverse this tremendous loss of unrealized potential.

I urge my colleagues to cosponsor the ATTAIN Act and help with its passage.

BAILOUTS, TARP AND STIMULUS PACKAGES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. CAMPBELL) is recognized for 5 minutes.

Mr. CAMPBELL. Madam Speaker, there is a lot of talk these days about rescue plans and bailouts and TARP and stimulus packages. Let's take a minute to reflect on what has happened. Back in October we passed, and the President signed, a rescue plan which created the Troubled Asset Recovery Plan, so-called TARP.

There are those here on both sides of the aisle who believe that that didn't help, that that didn't do anything. Well, you know, you never get credit for bad things that don't happen.

Let me assure you, Madam Speaker, that the financial system of this coun-

try was on the verge of collapse, and we averted that collapse because of two things, because of the unprecedented and aggressive monetary action of the Federal Reserve, but also because of the rescue plan and the TARP that we passed and deployed back last October.

Now, you say, however, you averted financial collapse, but what's going on now? Look at unemployment, look at the economy.

What we were trying to avoid then was literally the collapse or the lack of function of our financial system and our financial structure. It was about to implode and to stop working at all.

It is still working, not as well as it should, not normally, but it is still working, and it gets a little better every day.

But we knew at the time, and said at the time, that the damage that had been inflicted at that point was going to start to affect employment and start to affect economic growth, and, in fact, it has.

We now know that millions of people have lost their jobs, lost their homes, or lost their businesses. More people are losing their jobs, their homes and their businesses every day.

The economy continues to sink and we don't know where the bottom will be. We can't see it at this point.

So what are we doing now? What is the purpose of all this economic discussion we are having now? Just one thing, we can't stop the recession, it has already happened, we are already in it. We can't retroactively go back and get the homes and the jobs in the businesses that have already been lost.

But what we do want to do is to make this recession as short and as shallow as we can. If we do nothing, the recession will end at some point, as all recessions do.

But if we can have it end sooner and save millions of people their jobs, their homes or their businesses, then we should do so.

□ 1445

So I believe we should act, and the first thing we should do is to continue the successful TARP program.

Now, some people say, well, it wasn't successful, because, look, we invested all this money in banks and they haven't started lending. In fact, much of the reason that they haven't started lending is because the financial condition of the banks is much worse than we all thought they were back last October. The money the banks got from the Federal Government merely enabled many of them to keep their current functions, but not to expand lending.

The additional money, which I think should be leveraged with private capital, in other words, a bank should only get future Federal Government TARP money if they go out and raise a matching amount of private capital so that we get more and more money in the financial system, such that they can have the capital from which they can begin to lend again.

And then there is the talk of a stimulus package, and I think we should have one. Again, I think the consequences of inaction are going to be very severe on this economy.

But there is one thing that the stimulus package should do. It should actually stimulate the economy, and do it quickly. If we wait a year or 18 months, the economy will probably find its own bottom. It will be a bad one, but it will find its own. What we need to do is things, stuff, that will take effect and have an impact in the next 6 months, largely, 1 year at the most, so we can prevent the loss of as many jobs and homes and businesses as we can.

Now, many people on both sides of the aisle are bringing up the same things and priorities that we all do, and that is great. I am a Republican. There is lots of tax cuts I like as a Republican. I know there is a lot of spending that Democrats like, and there is good arguments to do some of both. But we have a patient who has pneumonia, and if you say you should eat right and exercise, yes, you should. Eating right and exercise is always good. But if you have pneumonia, you need antibiotics, and telling the patient to eat right and exercise won't cure their pneumonia, and we need to cure the pneumonia first before we can eat right and exercise.

So we need things that are directly targeted towards the next 6 months in creating jobs, and one of the things I think we should do is look at the demand side of things. People are scared. People are afraid. Even people with jobs, with plenty of security. We should be stimulating people to buy homes and cars, and doing it quickly.

FORENSIC ACCOUNTING OF WALL STREET BANKS NEEDED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Madam Speaker, I am glad I was here on the floor to respond to the prior Member who felt compelled to say that he thought the Wall Street bailout was working. I would like to know what evidence he has to prove that, since we have no forensic accounting of what the Wall Street banks that got all this money did with the money. Maybe he has some special access inside these institutions and can provide it to the RECORD, because I will tell you what happened yesterday.

I went before our Rules Committee and I proposed a very simple amendment. My amendment was that before we give one more dime of the people's money, we require the Treasury to do a forensic accounting of every bit of money that was sent up there to Wall Street. And I was denied my amendment.

There is no Member of this Congress that can say with accuracy, including the gentleman who just spoke, that he knows where the money is, because,

you know what? They haven't told us. All you know is what you have read in the newspapers, and how can we extend more money from the American people when we don't even know what happened to the money that went out the door?

So you can say whatever you want and create a fiction, but the fact is that foreclosures are going up across this country. That bill that was passed last year was supposed to help people hang onto their homes. In Ohio, foreclosures have gotten worse every month.

What I am telling people right now is, stay in your homes. If the American people, anybody out there is being foreclosed, don't leave, because I will tell you what. If you had a smart lawyer like those banks up there on Wall Street can get, they would take you into court and they couldn't find the mortgage. They couldn't find the mortgage.

So why should any American citizen be kicked out of their homes in this cold weather? In Ohio it is going to be 10 or 20 below zero. Don't leave your home. Because you know what? When those companies say they have your mortgage, unless you have a lawyer that can put his or her finger on that mortgage, you don't have that mortgage, and you are going to find they can't find the paper up there on Wall Street.

So I say to the American people, you be squatters in your own homes. Don't you leave. In Ohio and Michigan and Indiana and Illinois and all these other places our people are being treated like chattel, and this Congress is stymied. We have the worst economic crisis since the Great Depression and our committees are muzzled. Power is given to one chairman or one person.

We are all equal here. We have a right to be heard. The concerns of our constituents have a right to be registered in the committees of this House, not choked down as what is happening here today. It is just a tragedy. And if we don't fix the economic cure, it is going to get worse, and the cure is to go after the home foreclosure crisis.

Who does that? Treasury? No. That is absolutely the wrong place. We need the Federal Deposit Insurance Corporation and the Securities and Exchange Commission empowered to do the real estate workouts on books across this country. Those are the normal institutions that are used. And then you have got HUD there now with FHA that can take these mortgages once they are refinanced. But that is not what is happening across our country. There is no help for the homeowner. That whole section they talked about today, Help for Homeowners over at HUD, nobody has even benefited. We said last year they wouldn't, and that is exactly what has happened.

So I say to the American people, stay in your homes. You have earned them. And don't you get out until you get a really good lawyer who can find your

mortgage up there on Wall Street. Because, you know what? They won't be able to find it, and therefore they can't prove you should be evicted.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

WHEN THE WELL RUNS DRY: A BIPARTISAN APPROACH TO ENTITLEMENT REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. WOLF) is recognized for 5 minutes.

Mr. WOLF. Madam Speaker, our financial situation is at a critical mass. Everywhere you look, everything you read, more bad news, no end in sight. Of massive budget shortfalls President-elect Obama has said, "If we do nothing, we will continue to see red ink as far as we can see."

Last week, the Congressional Budget Office projected the Federal budget deficit will balloon to \$1.2 trillion this fiscal year, and that does not include the economic stimulus package proposed by the incoming administration. These staggering numbers are deeply troubling today and pose a dire choice for our children and our grandchildren.

Simply put, our Nation is slowly going broke. Without a change of course initiated by Congress, we will follow what Comptroller General David Walker characterized as a financial "tsunami strong enough to swamp the ship of state." It will sweep our children and our grandchildren off their feet, leaving far less opportunity for future generations.

Out-of-control spending is not just an economic issue, it is a moral issue also. Is it right for our generation to live very well, knowing that future generations of Americans will inherit a broken system in the form of massive debt, Social Security and Medicare obligations, unsustainable spending and commitments that cannot be kept?

Entitlement spending has such a tight grip on the rest of the Federal Government that every day the 111th Congress waits to act is another day that vital discretionary programs, domestic and international, are in jeopardy. That is what we are facing today.

Everyone, whether you are a Republican or Democrat, should be alarmed. As parents and grandparents, we should care that without adequate resources our children won't receive the first-class education they need to compete in the global market. Already the tests show that one-third of U.S. students lack the competency to perform the most basic mathematical computations.

People should care that scientists at the National Institutes of Health who

are so close to finding cures for devastating disease might not have the funding they need for medical research and breakthrough clinical trials that will change the way we live. Cancer, Alzheimer's, autism will all remain shortchanged if we do not have the discretionary funding necessary to put together the pieces.

Think about the roads, the highways, the bridges. Our children and grandchildren may wake up in a dismal scene. These scenarios only scratch the surface on how concerned we should be about America's future.

The ramifications of out-of-control spending reach far beyond our shores. I have always believed in the biblical admonition that to whom much is given, much is required, and have supported efforts, as have many in this Congress, to fight global hunger and poverty and disease. For example, U.S. Government funding for global HIV/AIDS, TB and malaria was nearly \$20 billion over the last 5 years. The recent 5-year reauthorization commits \$50 billion.

While that is good news for millions hurting around the world, it places America in the position of fulfilling a moral obligation to keep these vulnerable populations alive. Yet where will the money come from if America's foreign assistance dollars continue to shrink because the mandatory spending is taking a growing piece of the pie?

Ecclesiastes 5:5 says, "It is better not to vow than to make a vow and not fulfill it." I fear, Madam Speaker, that the vow will not be able to be fulfilled because of the deficit spending that we have no way to deal with.

The economic stimulus being shaped by the administration offers an opportunity, and JIM COOPER and I have a bipartisan bill, eight Republicans and eight Democrats, that puts all spending on the table and forces, and forces the Congress to act.

Many Members of the Congress go home and love to give the speeches at the Rotary Clubs talking about how bad the deficit is, but yet when they come back to Washington they do nothing about it. So next week, Madam Speaker, I will offer an amendment in the appropriations bill to put the Cooper-Wolf language into law whereby we can get control of this runaway spending.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. WOOLSEY) is recognized for 5 minutes.

(Ms. WOOLSEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

END TO FIGHTING IN GAZA STRIP NEEDED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. GEORGE MILLER) is recognized for 5 minutes.

Mr. GEORGE MILLER of California. Madam Speaker, I rise today to express my deep concern over the increasingly grave situation in the Gaza Strip and to express my disappointment that Congress has not spoken more clearly and forcibly in favor of a cease-fire. The latest fighting between Israel and Hamas has led to a humanitarian crisis. According to news reports, quoting various official sources on both sides of the battle, the impact on civilians in Gaza is severe and growing worse.

Madam Speaker, like every Member of this House, I support the right of Israel to defend itself and its people, and, like my colleagues, I strongly denounce Hamas' ongoing indiscriminate destabilizing rocket attacks against civilian populations in southern Israel and Hamas' clear intent to terrorize the people of Israel. In no uncertain terms, I call on Hamas to end its rocket attacks against Israel immediately.

But I also believe in no uncertain terms there must be a cease-fire between Hamas and Israel and it must commence immediately. The loss of life to children and their families, the vast destruction of homes and the enormous suffering in Gaza that is being caused by the escalation of this conflict must end.

Last week, the House spoke out on this latest conflict in the Middle East by passing H. Res. 34 that "recognizes Israel's right to defend itself against the attacks from Gaza, reaffirming the United States' strong support for Israel, and supporting the Israeli-Palestinian peace process."

I was disappointed that, as this body has done so often in the past, the House voted only to reiterate its support for Israel and its right to defend itself, rather than also to have used our considerable influence to pressure both sides to agree to a cease-fire in order to protect civilians on both sides caught in this conflict and in order to work toward a lasting resolution of this conflict that will lead to the protection and security of Israel.

I support much of the language in the resolution, but I regret that H.R. 34 in its entirety was not a correct statement for the House to make at the time. The question for the House and the international community is how the Israeli people will be able to live in peace and security without the constant threat of attack from Hamas and others and how the United States and all other nations can assist in achieving that outcome in a lasting manner.

The House has not weighed in on this question. The House of Representatives should throw its considerable weight behind the call for an immediate cease-fire between Israel and Hamas. The cease-fire is in the best interests of Israel and the United States.

The fact is that there has been a failure of political leadership that has led to this renewed and devastating fighting in Gaza. The Bush administration failed to adequately and successfully address the Middle East conflict during

its time in office and during the time in which we knew the cease-fire was coming to an end, and conditions might have been changed so that it could have been extended.

□ 1500

The international community has failed to adequately address the conflict between Israel and Hamas. Experts in the Middle East had warned that a conflict of this nature would eventually come, and will continue to come in the future if conditions on the ground do not change. Their warning went unheeded, and now a new and costly war has broken out.

Hamas rocket attacks against Israel are indefensible. But neither can the disproportionate military response by Israel be defended. The latest fighting was preceded by a lengthy and crushing blockade by Israel of Gaza that caused a humanitarian crisis. Hamas, unfortunately, chose to break the cease-fire and continue shelling of Israel. And Israel chose the breaking of the cease-fire to launch, as it should have, a defense of Israel, but unfortunately, with an all-out attack on Gaza.

Lost in all of this is the answer to the question of how the Israeli people can be assured the protection they deserve. The rocket attacks against Israel continue, albeit lessened now, despite the enormous firepower brought against Hamas by Israel. There is no clear answer as to how Israel will bring this conflict to an end in Gaza or clear what Israel's ultimate goals are in this conflict.

Only a cease-fire and a new international commitment to negotiate a cessation of hostilities between Hamas and Israel can protect the people of Israel.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FRANKS) is recognized for 5 minutes.

(Mr. FRANKS of Arizona addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SHERMAN) is recognized for 5 minutes.

(Mr. SHERMAN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SCHIFF) is recognized for 5 minutes.

(Mr. SCHIFF addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

HONORING THE LIFE AND ACCOMPLISHMENTS OF DR. JOHN DIAMANDIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. BILIRAKIS) is recognized for 5 minutes.

Mr. BILIRAKIS. Madam Speaker, I rise today to recognize the extraordinary life and accomplishments of my dear friend, Dr. Themistocles "John" Diamandis, endearingly known as Dr. D.

Dr. D was born on April 11, 1929, in Tarpon Springs General Hospital in Tarpon Springs, Florida. It was a foreshadowing that Dr. D started off life in that tiny, 12-bed hospital. He started off his medical career in 1961 at Tarpon Springs General Hospital, where he was one of three doctors on staff. He spent the next 47 years as a dedicated general practitioner there.

He earned a pharmacy degree from the University of Florida in 1951. Prior to medical school, he worked as a pharmacist at Webb's City in St. Petersburg, Florida. He earned a medical degree from the University of Miami in 1958. While in medical school he worked at Walter Reed Army Medical Center and served his country in the Army during the Korean war.

A proud member of the Tarpon Springs community Dr. D cared for generations of Tarponites, including the pioneers of the Tarpon Springs sponge industry.

He started his career with his assistant, Cally Catroulis, who remained with him, amazingly, for 47 years, until his retirement. He opted not to hire nurses, preferring to spend as much time himself with each patient by taking, for instance, each blood pressure reading himself. While he often ran late having meaningful discussions with his patients, I can attest to that, others were happy to wait their turn for him, knowing that they would be the subject of his extra care and attention.

Dr. D was always on call for his patients, day or night. He is known for making late night and weekend house calls. Before going to bed each night, he would check in on his patients at home or at the hospital, amazingly. He never failed to treat a sick person, and never asked if they had insurance. Sometimes he was paid only with a hot meal or a Greek pastry after a house call.

As a matter of fact, Dr. D was a mentor to my brother, Dr. Emanuel Bilirakis.

In addition to his tireless dedication to his patients, Dr. D has been an activist in his community, frequently speaking out on local, State and Federal issues, on issues near and dear to his heart such as affordable health care, lower taxes, and improved infrastructure. He also remained active in his church, St. Nicholas Greek Orthodox Church, and also various civic organizations such as AHEPA.

Madam Speaker, Dr. D is a rare breed of physician and humanitarian. Many describe him as an old fashioned doctor, but his practice embodied all that was and is still good in medicine, the strength and importance of the relationship between a primary care doctor and his or her patients.

That tiny hospital where he was born and started his medical career was the same one he retired from this past September of 2008. Now known as Helen Ellis Memorial Hospital, it has grown to a 168-bed facility with 356 staff physicians, a legacy of Dr. D.

Madam Speaker, I can only think of one word to describe Dr. D—axios.

I yield back the balance of my time.

APPOINTMENT OF MEMBER TO PERMANENT SELECT COMMITTEE ON INTELLIGENCE

The SPEAKER pro tempore. Pursuant to clause 11 of rule X, clause 11 of rule I, and the order of the House of January 6, 2009, the Chair announces the Speaker's appointment of the following Member of the House to the Permanent Select Committee on Intelligence:

Mr. ROGERS, Michigan

WHO'S GOING TO SPEND THE MONEY?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GOHMERT) is recognized for 5 minutes.

Mr. GOHMERT. Madam Speaker, we took up the issue of the Troubled Asset Recovery, whatever TARP stands for. \$350 billion has been thrown, as one man wished it to be, as he directed.

There's another \$350 billion that has been allocated. Now, the question is, who's going to spend it?

Now, I've got a bill that I filed, it was, I think, the first bill laid down over here on the Clerk's desk the minute after we were sworn in, and it's a bill to allow the people that earned the money to spend it. The Treasury Secretary would have to put it in the general revenue and use that to cover any shortfalls from withholding not coming in.

This isn't some rebate where we spend millions to let people know you may get a rebate check, and then millions to process it, and then by and by, pie in the sky, they get a rebate check down the road for \$300, \$600. This is real money we're talking about, in the account, in the hands of those who earned it as soon as they get their pay-

check. If we pass this bill next Thursday that I've proposed, people on their Friday paychecks could have all of their Federal withholding in that check, all of their FICA withholding in that check.

So anybody that's working, performing services, including self-employed, they have a 2-month tax holiday. That money is immediately in their hands, in the economy, not some bureaucrat in Washington who is so arrogant that he thinks you couldn't possibly know where to spend that money to help the economy and help yourself.

So, we've asked, we surveyed people who have e-mailed in and asked, what would you—look at the withholding and see what, tell us what you would use your money for. Number 1 answer? Pay off credit cards, catch up on loans, including the mortgage.

Well, Paulson's out there spending hundreds of billions of dollars to try to loosen up lending so people can refinance and borrow more money to catch up on the mortgage they got behind on in the last year, many, back when gas prices were \$4 a gallon. Let them catch up with their own money. They don't need another loan.

Others said they'd go out to eat. They'd stop, they'd use it for entertainment. Others said they'd invest it in their small business to develop it. Others said they'd invest it in the stock markets. That would help the market.

Ten percent of those said they'd use it to buy a new home. That would help them with their down payment. There's so much in the withholding. Others said they'd use it to buy a car. Some said they'd put it in savings. But that would give banks more money to make more loans, so that would be a good thing as well.

Some got very specific. They said they'd buy farm supplies, help with their college education this year. Some said they'd buy insulation for their home to help on the energy bill. One said he'd buy a stove and an oven. Another said he'd use—well, there were many who said they'd repair and remodel their home. Others said they'd pay for medical procedures that they need. How about that? It's not some guy in Washington paying. It's the people that earned the money that would get to spend it.

Another was going to put on a new roof for his home so his family would be dryer and warmer. The people that earned the money know what to do with it.

It is the height of arrogance that in this body, we'd say, no, no, no, GOHMERT's got this bill, H.R. 143, that lets the people that earned it have a 2-month tax holiday. We can't do that. We can't let that come to the floor for a vote.

I proposed this amendment yesterday. Got shut out. They didn't want it on the floor. Probably pass. People would be afraid to vote against the people. And that's what that vote is.

But I just submit, Madam Speaker, if this continues, and I keep being shut out on getting this idea from the people by the people by the people, and the votes keep being that we can't bring a bill like that to the floor for a vote, it may be, come November of 2010 that the voters will say, we want to elect somebody that will do what needs doing and not helping their cronies.

Oh, yes, we heard, well, the leadership over here in the House has the idea for this great TARP money. We're going to use it for infrastructure. Oh, yeah. Well, apparently the bill being proposed only has 5 or 6 percent for infrastructure.

You let people have their own money, you let them spend it where they need spending, the money will be in the economy, the economy will increase, and everybody will be better off and the people will have heard from us as they wanted.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. KUCINICH) is recognized for 5 minutes.

(Mr. KUCINICH addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

VACATING 5-MINUTE SPECIAL ORDER

The SPEAKER pro tempore. Without objection, the previous 5-minute Special Order in favor of Mr. POE of Texas is vacated.

There was no objection.

FURTHER MESSAGE FROM THE PRESIDENT

A further message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

LAST STAND FOR RAMOS AND COMPEAN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Texas (Mr. POE) is recognized for 60 minutes as the designee of the minority leader.

Mr. POE of Texas. Madam Speaker, in the dusty, arid plains of West Texas, where the tumbleweeds blow across the prairies, there's a small town called Fabens. Fabens, Texas, a population of about 8,000, mostly lower-income individuals, but they're doing what they can to eke out an income out of the land that they work.

On February 17, 2005, almost 4 years ago, these events took place. A drug dealer by the name of Aldrete Davila came across from Mexico, which is six miles from Fabens, Texas, right here on the map. He's driving a van. He has about \$750,000 worth of narcotics in that van. And of course, he's smuggling drugs into America; something that occurs along the entire Texas/Mexico border.

He's confronted by one of our first responders, Border Security Agent Jose Compean. Border Agent Jose Compean does his job, and he gives chase to this drug smuggler in the van. Aldrete, the smuggler, turns his van around, tries to head back to Mexico with his cancer that he's going to try to sell in the United States. He abandons his vehicle. He gets down in the river bed between Mexico and Texas in the Rio Grande Valley, and he has a fight with Jose Compean.

Another border agent by the name of Ignacio Ramos shows up and meets the call for help to stop this drug trafficker into the United States. Meanwhile, a fight ensues between the drug dealer and Border Agent Compean, and Compean is left in the river bed, bleeding, while the drug dealer runs back to Mexico.

Ignacio Ramos, border agent, sees what's taking place. He sees the drug dealer, in his opinion, with a weapon, keeps turning back like this, and he fires his weapon.

□ 1515

And the drug dealer disappears.

Unbeknownst to all of us, there was another vehicle on the other side of the border, waiting to pick him up and take him back to wherever he came from.

Jose Compean and Ignacio Ramos, border agents, at the time they pick up the shells that are fired, they don't immediately report the events, and nothing occurs until the following takes place:

The drug dealer goes back to Mexico. It turns out that he was wounded. He was shot in the buttocks. Without being too graphic, the bullet went in one cheek and came out the other cheek as if he were pointing his weapon when he got shot.

But be that as it may, in some way, the U.S. Government gets involved. It goes to Mexico. It finds the drug dealer and says, "Looky here. Have we got a deal for you. All you've got to do is come back to America and testify against those two border agents for a civil rights violation," or whatever we charged them with, "and we will treat you for your wounds, and we will give you a pass to go back and forth across the border, and we will not prosecute you for bringing drugs into the United States."

So, months later, that immunity deal is struck, and the border trespasser—smuggler—gets a deal, a backroom deal, a deal to testify. In my experience as a former judge and prosecutor, unfortunately, when you make a deal with a criminal, you usually get the testimony you want.

What happened was they were waiting to bring these two border agents to trial on numerous charges, but remember, all they did was fail to report the fact that they fired their weapons. Normally, under Border Patrol policy, that is an administrative punishment. You get days off—5 days from what I under-

stand. They could have been fired for that, but they were not. They were prosecuted in Federal court for numerous violations, mainly for shooting the drug smuggler. Of course, they both never knew they shot the drug smuggler until they were told by our government.

In any event, unbeknownst to us, the trial gets postponed. We don't know why the trial is postponed. It's not tried right away, but it gets postponed. The reason it got postponed, which we all learned much, much later, was that, while the drug smuggler was out on his get-out-of-jail-free card, thanks to our government, he was still smuggling drugs into the United States.

In October of 2005, lo and behold, Aldrete brings another load of narcotics into the United States. At first, our government denied that they knew anything about that, but I ended up receiving a copy of the DEA report, which showed specifically that Aldrete was bringing in drugs while he was out on this get-out-of-jail-free card.

So the trial takes place after it is postponed. In March of 2006, these two border agents are tried. They are convicted. The jury never knows that the star witness—the government's bought-and-paid-for witness—brought in another load of drugs. The U.S. Attorney's Office convinced that judge from keeping that testimony from the jury.

Now, the main witness the government had against the two Border Patrol Agents was this witness, the drug smuggler who was given a deal to testify.

Now I ask you, Madam Speaker: If you were on a jury and you had to decide if a person was telling the truth, wouldn't you want to know that, while they were waiting to testify after they were given immunity, they were still bringing drugs into the United States? Wouldn't you want to know that to judge whether or not this witness is telling you the truth or not?

I think, probably, you would want to know that, and I think that's probably the reason the government kept that testimony from the jury, because they didn't want the jury to know the truth about their witness.

In any event, the witness testifies. The border agents are convicted; they are found guilty, and are sent to the Federal penitentiary for 11 and 12 years. Under Federal law, they will serve most of that time.

This case sort of disappeared from the radar until people started talking. The news media even brought this case up. A reporter by the name of Sara Carter has been following this case since the trial. Thanks to her and to other people in our national media, this is still being discussed by not only Members of Congress but by the public throughout the country.

Since I, really, have almost no life, I read the 3,000-page transcript of the trial, so I know what the jury heard. I read it. In September of 2006, long after

the trial and the transcript was prepared, Members of Congress started asking questions about: Well, was this really the right thing to do, to prosecute the border agents? Maybe we were on the wrong side of the border war. Maybe we ought to have been prosecuting the smuggler, the drug dealer. Maybe we ought to have been doing that. So questions were being asked.

Several of us met with the Department of Homeland Security's inspector general's office to try to find out exactly what happened down there in Fabens, Texas in February of 2005. The transcript hadn't been produced yet, so we couldn't read it. So we met with these individuals, and they told us the following:

Well, these Border Patrol Agents are rogue cops. They're just bad guys, and they knew that the suspect was unarmed when they shot him. They went out that day, intending to shoot illegal aliens coming into the United States, and they didn't believe that this drug dealer was a threat to them when they fired.

Now, that's a different kind of story than what I've just told you. So we took them at their word because you know you're not supposed to lie to Members of Congress. It's kind of against the law in the United States.

After we got the transcript, after we did more investigation, we learned that Ramos and Compean, the border agents, did believe the drug smuggler was a threat. They did believe that he had a weapon, and they never said they went out that morning with the intent to shoot some illegal coming into the United States.

Now, as a side note—a little rabbit trail here—that occurred in September of 2006. I and several others have asked our government to investigate those government officials who came to the Members of Congress and misled us. Of course, nothing has happened to those individuals. They just sort of went away, you know.

But back to the case. Now that we had the transcript, now that we'd read the transcript of the trial and we'd found out exactly what had happened, many of us in Congress had felt that what had occurred in this trial wasn't the appropriate thing to do and that the way the two border agents were treated wasn't really the most appropriate way to be treated.

So, in October of 2006, Ramos and Compean were sentenced to 11 and 12 years in the Federal penitentiary. While in prison, Border Agent Ramos was assaulted. Both of these agents have spent much of their 2 years now—2 years—in solitary confinement. Solitary confinement in our Federal penitentiaries is reserved for the meanest criminals we have in our culture, in our society. Yet border agents go into solitary confinement for allegedly their own protection. Yeah, right.

Anyway, they're serving their time, but this case does not go away. In July

of 2007, because so many of us on both sides of the aisle were concerned about justice, I introduced legislation, saying exactly that no Federal funds will be used to incarcerate Ramos and Compean. In other words, the Federal penitentiary cannot use taxpayer money to incarcerate these border agents. That legislation passed this House unanimously in 2007 by voice vote. There was not one dissenter on either side of the aisle because Congress, the House portion of Congress, said it's just not right. They shouldn't be incarcerated.

As all of you know, what we do when we pass legislation is we send it down to the Senate. That bill, like many other bills, never got voted on by the Senate, so both of the individuals stayed in prison.

Before they ever got to trial, Ramos and Compean were offered a deal by our government. It's not unusual in criminal cases. They were told, if you plead guilty to these violations, we'll get you 1 year in the Federal penitentiary for what you did out there in Fabens, Texas. Now, if you don't plead guilty, well, we're going to go to trial, and we're going to try to get you more time in the penitentiary.

So the Federal Government initially thought that the case was worth 1 year in the Federal penitentiary, but because Ramos and Compean, citizens of the United States, exercised their right under the Constitution to have a jury trial, they were punished for the right to be tried before a jury. The Federal judge then gave them 11 and 12 years after the jury convicted them.

I don't think that people charged with crimes should be punished for exercising their right, their constitutional right, to ask for a jury trial. In any event, the case continues to this day.

What has the effect of it been on our Border Patrol Agents? Well, let me tell you. I'll give you an example.

Luis Aguilar, a Border Patrol Agent assigned to the Tucson office, was in California recently on border patrol, trying to catch the bad guys. Two vehicles, a Humvee and a pickup truck, come across the Mexican border into the United States. He and other Border Patrol Agents give chase to this Humvee and to this pickup truck. The Humvee and pickup truck see the good guys, and like they normally do, they try to run from the good guys. They turn their vehicles around and head to Mexico.

Luis Aguilar from Tucson, Arizona, Border Patrol Agent, what he did was get in front of those vehicles at some distance and throw out these spikes—where if a car or a vehicle runs over the spikes, they blow out the tires—to stop the bad guys from going back to where they came from. Rather than go over the spikes, the guy in the Humvee jumps off the road and runs over and kills Luis Aguilar, Border Patrol Agent. Then he flees off, back into Mexico, along with the pickup truck.

Where he is today, that individual, we know not.

Now, you know, the Border Patrol Agents are nervous about using their weapons. The reason they're nervous about using their weapons to protect the dignity of our country and to capture the bad guys who come into the United States is due to cases like Ramos' and Compean's. When these Border Patrol Agents fired their weapons, they were prosecuted instead of the drug smuggler. So that makes Border Patrol Agents hesitate.

I've heard that the Border Patrol policy is they can't fire their weapons unless fired upon. Now, anybody who has ever been in law enforcement, anybody who has ever been in the military knows that's a bad idea. I can't fire to defend myself unless somebody shoots at me? I can't stop someone who is pulling out a gun? Apparently not. Luis Aguilar is just one example.

I've talked to Border Patrol Agents all the way from Brownsville, Texas, to San Diego, California, and they tell me, "Hey, when we're in that situation, we really don't want to fire our guns even though we can, even though it is the right thing to do, because our government doesn't back us; they back the other side."

Sheriffs along this entire area here that I have mentioned—from Brownsville to San Diego—the Border Patrol Sheriff's Association, are of all races, and they're of both political parties, but to a sheriff, they are concerned about border security, and they tell me the same thing: "We are hesitant to use our weapons in these cases even though, under State law or even Federal law, we're permitted to do it, because our government is not going to stand beside us. They're going to stand beside the drug dealer." So that's the chilling effect.

But whatever happened to Aldrete, the drug smuggler? Remember, he got that second case, that second case when he brought drugs into the United States while he was waiting to testify. It's the one that the Federal Government denied, really, ever occurred until they finally had to admit it because we saw the evidence of the DEA report.

Well, he ended up getting prosecuted for that. The U.S. Attorney's Office finally prosecuted him but not after the taxpayers of the United States treated his wounds in El Paso, Texas, not after he filed a \$5 million civil rights suit against the United States Government. He brings drugs in. He finally gets prosecuted. Now he is in a Federal penitentiary, ironically, doing less time than the Border Patrol Agents.

□ 1530

Who are these two individuals we're talking about? Well, these individuals are Compean and Ramos. These photographs were taken the day that they were hauled off to the Federal penitentiary. Those are the last photographs that I know of that were taken in public because they're still in the penitentiary at this time.

Now, we've heard a lot about this case. A lot of Members of Congress have got involved, the American public has gotten involved. Over 400,000 American have sent petitions to the White House asking for relief; 70,000 of those petitions are from the State of Texas where citizens are getting involved in what they believe is the unjust incarceration. And this has continued.

When I go back to Texas, which I do every weekend, I still have people, regular folks, "What's happened to those two Border Agents Ramos and Compean?" And I'm surprised to some extent because the American attention span is about "that" long. You know, we hear something in the news and we move on, something else happens the next day. But this has been going on now for over 2½ years. And yet the American public is still very concerned. They still tell us about it.

I don't know why these two Border Patrol agents were relentlessly prosecuted, but they were. I don't know why they made a backroom deal with the drug smuggler Aldrete, but it did happen.

This is not a pleasant place to be on the southern border with our neighbors in Mexico. It is a violent place. It's violent because of the drug smugglers coming into the United States. We hear about all of the murders on both sides of the border because of the drug cartels, you know, people like Davila who brings in drugs into the United States. He and his comrades are the reason there is so much violence on this entire border.

Good people on both sides of the border live in fear every day because of the drug cartels and the problem that occurs there.

I was down recently on the Texas-Mexico border, and I was asking a Texas Ranger—I won't mention his name—I was asking a Texas Ranger, I said, "What's it like down here on the Texas-Mexico border at night?"

And he said, "Congressman POE, it gets western. It gets western down here."

Now, what he was saying was people start shooting. They start shooting at us on this side of the border. We know of incursions from the Mexican military that have come into the United States, supposedly rogue Mexican military helping the drug cartels move drugs into the United States. It's violent on the Texas-Mexico border, along the entire southern border, because of the drug cartels.

So what we have done, as a culture—since we have a great appetite for, unfortunately, drugs in this country—we've sent some good people down there to protect us, the Border Patrol agents, and, of course, the local sheriffs. And they're doing what they can to protect us. And yet when they get in a fix, our government sides with the bad guys.

So chilling effect on our border agents and our border protectors? You betcha. You betcha. Because those in-

dividuals who protect us are concerned about what happens to them if they, in a split-second decision, have to make a choice of what to do to protect us. And if they make the wrong choice—or at least the wrong choice in the eyes of our government—they're going to get prosecuted. That's very unfortunate.

Don't get me wrong, Madam Speaker. I have no sympathy for criminals. I've always been in law enforcement. I spent 8 years prosecuting criminals in Houston, Texas, and then I was on the bench for 22 years prosecuting outlaws. And I tried a lot of cases. I heard about 25,000 criminal cases during that time. And I tried people who shot police officers, and I tried police officers that unjustly shot citizens. So I have no stake in this except justice ought to occur in this case. I have no sympathy for criminals: police officers or otherwise.

But in this case of Ramos and Compean, we've asked for a pardon. The President of the United States of America has the absolute right under our Constitution to pardon any individual. I carry this little pocket Constitution around with me, as most Members of Congress do, and read it from time to time. But there's a section here that I would like to put in the record: Article 2, section 2 of the U.S. Constitution talking about the power of the Presidents of the United States.

"He shall have the power to grant reprieves and pardons for offenses against the United States."

Now, you notice he doesn't have to get permission from some committee; he doesn't have to get approval from the Justice Department. Now, he certainly can get recommendations from anyone he chooses. He can have a committee make recommendations. But the Constitution doesn't give him that obligation. He can pardon anybody, and he doesn't ever have to tell the reason.

Our President has not chosen to pardon these two individuals. I've known the President a good number of years. I respect him greatly. On this particular issue, I hope and would wish that he would exercise the power that he has under the Constitution. His reasons for not doing so are his own, and I respect that as well.

So now we're asking that the President, before he leaves office in the next 5 days, commute the sentences of these two Border Patrol agents.

Assume the facts, as presented by the government, are true because the case has gone through the appellate process and has been ruled on by other judges. Assume everything is true. They've served over 2 years in the Federal penitentiary, both of these individuals. I've talked to their wives, their kids, and it is time for these two Border Patrol agents to go home.

So we're asking the President to reprieve the individuals, which, under our terminology, is to commute the sentences. Commute them for the time served and let them out of the Federal penitentiary and maybe we can get a

photograph of them leaving instead of going into the penitentiary.

And that's what we're asking the President, in all due respect, to do.

And I would say this: I have been very outspoken on this issue. Members of Congress on both sides have been very outspoken on this issue. And I would hope that the President, if he's irritated at me or other Members of Congress who have been outspoken on this, that in all due respect he not take it out on them. Because we're the only voice these two individuals have: Members of Congress.

So be mad at me, be irritated at me, but don't be taking it out on these two individuals. Commute these two sentences.

Apparently I'm going to be the last Member of Congress that will speak on this House floor officially before President Bush leaves office next Tuesday. As I am speaking before this body, another member of the Texas delegation, JOHN CULBERSON, is walking down Pennsylvania Avenue in this 28-degree weather and he's carrying a letter, one of similar letters that have been sent to the President by Members of Congress asking for a pardon or a commutation.

This letter that will be hand delivered to the White House this afternoon by the time I finish speaking is signed by 30 members of the Texas delegation. And in the Texas delegation, as most people know, we cover all the political bases from the far right to the far left. But yet 30 of us, of the 32, have agreed these individuals need to be having their sentence commuted.

Also signing this letter are the two U.S. Senators from the State of Texas asking that the President, in his compassion, commute the sentences of Ramos and Compean.

You know, as I mentioned, I have the utmost respect for President Bush when he was a governor and his 8 years in office. But I hope he would give this case some extra thought and exercise his constitutional right. And why do I ask him to do that? Because it seems like it's the right thing to do. It seems like justice. And you know, justice is what we do in this country.

After we cut through all of the smoke, at the end of the day we want justice to prevail in every situation because justice is the one thing we should always find in this country. Justice was allowed to be in the Constitution under the Pardon Clause giving the power to the President to make that decision, the clause to commute the sentence giving the power to the President because sometimes the President just needs to intervene to make sure justice, at the end of the day, is what we find.

I hope the President considers this commutation, considers what Members of Congress and the thousands of Americans who have asked that this case be resolved in a way that these two individuals can be released and go back home to their families in a just way.

And that's just the way it is.

CONGRESS OF THE UNITED STATES,
Washington, DC, January 15, 2009.

Hon. GEORGE W. BUSH,
The White House,
Washington, D.C.

DEAR PRESIDENT BUSH: As Members of the Texas Congressional Delegation, we are writing to ask for your personal intervention to commute the sentences of United States Border Patrol Agents Ignacio Ramos and Jose Compean.

As you are aware, these two agents were prosecuted and convicted for shooting an illegal immigrant drug smuggler in Texas near the border with Mexico and were each sentenced to over 10 years in prison. Ramos and Compean have been incarcerated since January 2007 and in that time, Ramos has been assaulted in prison and both men have been placed in solitary confinement because of the danger they face as a result of their law enforcement backgrounds.

Many of us have written to you over the past few years with concerns about this case, and as your administration comes to an end, we respectfully request that you use the exclusive authority given to you under Article II, Section 2 of the Constitution. We appeal to your good reason and sound judgment as fellow Texans and ask that you correct this injustice by commuting the sentences of U.S. Border Patrol agents Ignacio Ramos and Jose Compean.

Sincerely,

John Culberson, John Cornyn, Kay Bailey Hutchison, Michael McCaul, Kenny Marchant, Kevin Brady, Pete Olson, Pete Sessions, Ralph Hall, John Carter, Bill Archer, and Kay Granger.

Ted Poe, Louie Gohmert, Gene Green, Lamar Smith, Sam Johnson, Henry Bonica, Mac Thornberry, Michael Burgess, Michael Conaway, Randy Neugebauer, and Jeb Hensarling.

Eddie Bernice Johnson, Chet Edwards, Solomon Ortiz, Sam Johnson, Joe Barton, Henry Cuellar, Rubén Hinojosa, Sheila Jackson-Lee, Ciro Rodriguez, and Al Green.

AGREEMENT ON MUTUAL FISHERIES RELATIONS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Natural Resources:

To the Congress of the United States:

In accordance with the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*), I transmit herewith an Agreement between the Government of the United States of America and the Government of the Russian Federation Extending the Agreement Between the Government of the United States and the Government of the Russian Federation on Mutual Fisheries Relations of May 31, 1988, with annex, as extended (the "Mutual Fisheries Agreement"). The present Agreement, which was effected by an exchange of notes in Moscow on March 28, 2008, and September 19, 2008, extends the Mutual Fisheries Agreement until December 31, 2013.

In light of the importance of our fisheries relationship with the Russian

Federation, I urge that the Congress give favorable consideration to this Agreement at an early date.

THE WHITE HOUSE, January 15, 2009.

CONTINUATION OF THE NATIONAL EMERGENCY RELATING TO CUBA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 111-9)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the Federal Register for publication, stating that the national emergency declared with respect to the Government of Cuba's destruction of two unarmed U.S.-registered civilian aircraft in international airspace north of Cuba on February 24, 1996, as amended and expanded on February 26, 2004, is to continue in effect beyond March 1, 2009.

GEORGE W. BUSH.

THE WHITE HOUSE, January 15, 2009.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. SESSIONS (at the request of Mr. BOEHNER) for today on account of attending a funeral.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. ROYBAL-ALLARD) to revise and extend their remarks and include extraneous material:)

Mr. CUMMINGS, for 5 minutes, today.

Ms. ROYBAL-ALLARD, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFazio, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. SHERMAN, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. KUCINICH, for 5 minutes, today.

(The following Members (at the request of Mr. WOLF) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, January 22.

Mr. JONES, for 5 minutes, January 22.
Mr. BILIRAKIS, for 5 minutes, today.
Mr. GOHMERT, for 5 minutes, today.
Mr. BURTON of Indiana, for 5 minutes, January 21 and 22.

ADJOURNMENT

Mr. POE of Texas. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 53 minutes p.m.), under its previous order, the House adjourned until tomorrow, Friday, January 16, 2009, at 4 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

115. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the System's final rule — Home Mortgage Disclosure [Regulation C; Docket No. 1341] received January 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

116. A letter from the Assistant to the Board, Board of the Federal Reserve System, transmitting the System's final rule — Community Reinvestment Act Regulations [Docket ID: OTS-2008-0021] (RIN: 1550-A29) received January 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

117. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's third interim report on an ongoing study of the accuracy and completeness of information contained in consumer reports prepared or maintained by consumer reporting agencies and methods for improving the accuracy and completeness of such information, pursuant to Section 319 of the Fair and Accurate Credit Transactions Act of 2003; to the Committee on Financial Services.

118. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report on the Community Services Block Grant for fiscal year 2006, pursuant to Section 674 of the Community Services Block Grant Act; to the Committee on Education and Labor.

119. A letter from the Deputy Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), a six-month periodic report on the national emergency with respect to North Korea that was declared in Executive Order 13466 of June 26, 2008; to the Committee on Foreign Affairs.

120. A letter from the Deputy Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to the Western Balkans that was declared in Executive Order 13219 of June 26, 2001; to the Committee on Foreign Affairs.

121. A letter from the Deputy Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and

pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to terrorists who threaten to disrupt the Middle East peace process that was declared in Executive Order 12947 of January 23, 1995; to the Committee on Foreign Affairs.

122. A letter from the Executive Secretary, Agency for International Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

123. A letter from the White House Liaison, Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

124. A letter from the Assistant Secretary for Administration and Management, Department of Health and Human Services, transmitting the Department's report on competitive sourcing for fiscal year 2008, pursuant to Public Law 108-199, section 647(b) of Division F; to the Committee on Oversight and Government Reform.

125. A letter from the Chief Financial Officer, Department of Housing and Urban Development, transmitting the Department's report on competitive sourcing efforts for fiscal year 2008, pursuant to Public Law 108-199, section 647(b) of Division F; to the Committee on Oversight and Government Reform.

126. A letter from the Deputy White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

127. A letter from the Director, Executive Office of the President Office of National Drug Control Policy, transmitting the Fiscal Year 2007 Performance Summary Report, pursuant to Public Law 105-277, section 705(d) of Division C-Title VII; to the Committee on Oversight and Government Reform.

128. A letter from the Acting Administrator, General Services Administration, transmitting the Administration's report on fiscal year 2008 competitive sourcing efforts, pursuant to Public Law 108-109, section 647(b) of Division F; to the Committee on Oversight and Government Reform.

129. A letter from the Assistant Administrator for Legislative and Intergovernmental Affairs, National Aeronautics and Space Administration, transmitting the Administration's report on fiscal year 2008 competitive sourcing activities, pursuant to Public Law 108-199, section 647(b) of Division F; to the Committee on Oversight and Government Reform.

130. A letter from the Executive Director, Securities and Exchange Commission, transmitting the Commission's fiscal year 2008 Performance and Accountability Report; to the Committee on Oversight and Government Reform.

131. A letter from the Secretary, Smithsonian Institution, transmitting the Institution's report for FY 2008 on competitive sourcing activities, pursuant to Public Law 108-199, section 647(b) of Division F; to the Committee on Oversight and Government Reform.

132. A letter from the Director, Trade and Development Agency, transmitting the Agency's fiscal year 2008 annual report; to the Committee on Oversight and Government Reform.

133. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea

and Aleutian Islands Management Area [Docket No. 071106673-8011-02] (RIN: 0648-XM17) received January 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

134. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's eighth annual report entitled, "Temporary Assistance For Needy Families Program," pursuant to Title I of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996; to the Committee on Ways and Means.

135. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Consolidated Returns; Intercompany Obligations [TD 9442] (RIN: 1545-BA11) received January 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

136. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Revenue Procedure 2009-10 [26 CFR 601.601: Rules and regulations.] received January 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

137. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Disclosure of Return Information to the Bureau of Economic Analysis [TD 9439] (RIN: 1545-BC93) received January 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

138. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Section 529 Programs [Notice 2009-1] received January 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

139. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Calculation of Volume of Alcohol for Fuel Credits; Denaturants [Notice 2009-06] received January 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

140. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Revenue Procedure 2009-15 [26 CFR 601.601: Rules and regulations.] received January 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

141. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Pre-Filing Agreement (PFA) Program — Extend Rev. Proc. 2007-17 [Rev. Proc. 2009-14] received January 9, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

142. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Revenue Procedure: Areas in which rulings will not be issued; Associate Chief Counsel (International) [Rev. Proc. 2009-7] received January 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

143. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Transaction of Interest — Subpart F Income Partnership Blocker [Notice 2009-7] received January 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

144. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Employer's Annual Federal Tax Return and Modifications to the Deposit Rules [TD 9440] (RIN: 1545-BI39) received January 7, 2009, pur-

suant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

145. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Guidance regarding foreign base company sales income [TD 9438] (RIN: 1545-BI50) received January 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

146. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Section 482: Methods to Determine Taxable Income in Connection With a Cost Sharing Arrangement [TD 9441] (RIN: 1545-BI46) received January 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

147. A letter from the Deputy Director, Office of Regulations, Office of the Commissioner, Social Security Administration, transmitting the Administration's final rule — Clarification of Evidentiary Standard for Determinations and Decisions [Docket No.: SSA-2008-0005] (RIN: 0960-AG75) received January 7, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Ms. ROS-LEHTINEN (for herself, Mr. MCCOTTER, Mr. MCCAUL, Mr. BURTON of Indiana, Mr. ROYCE, Mr. MARKEY of Massachusetts, and Mr. SHERMAN):

H.R. 547. A bill to amend the Atomic Energy Act of 1954 to require congressional approval of agreements for peaceful nuclear cooperation with foreign countries, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GARY G. MILLER of California (for himself, Mr. BROWN of South Carolina, Mr. ISRAEL, and Mr. GORDON of Tennessee):

H.R. 548. A bill to assist citizens, public and private institutions, and governments at all levels in planning, interpreting, and protecting sites where historic battles were fought on American soil during the armed conflicts that shaped the growth and development of the United States, and for other purposes; to the Committee on Natural Resources.

By Mr. KING of New York (for himself and Mr. THOMPSON of Mississippi):

H.R. 549. A bill to amend the Homeland Security Act of 2002 to establish the Office for Bombing Prevention, to address terrorist explosive threats, and for other purposes; to the Committee on Homeland Security.

By Mr. MANZULLO (for himself and Mr. UPTON):

H.R. 550. A bill to amend the Internal Revenue Code of 1986 to allow individuals and businesses a temporary credit against income tax for the purchase of certain vehicles; to the Committee on Ways and Means.

By Ms. GIFFORDS:

H.R. 551. A bill to authorize the Secretary of the Interior, acting through the Commissioner of Reclamation, to conduct a feasibility study of water augmentation alternatives in the Sierra Vista Subwatershed; to the Committee on Natural Resources.

By Ms. GIFFORDS:

H.R. 552. A bill to amend the National Trails System Act to designate the Arizona

National Scenic Trail; to the Committee on Natural Resources.

By Ms. HARMAN:

H.R. 553. A bill to require the Secretary of Homeland Security to develop a strategy to prevent the over-classification of homeland security and other information and to promote the sharing of unclassified homeland security and other information, and for other purposes; to the Committee on Homeland Security.

By Mr. GORDON of Tennessee (for himself, Mr. HALL of Texas, Mr. BAIRD, Mr. EHLERS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SENSENBRENNER, Mr. WU, Mr. SMITH of Texas, Mr. MILLER of North Carolina, Mr. LUCAS, Mr. LIPINSKI, Mr. MCCAUL, Mr. ROTHMAN of New Jersey, Mr. AKIN, Mr. WILSON of Ohio, Mr. BARTLETT, Mr. HONDA, Mr. INGALLS, Ms. GIFFORDS, Mrs. BIGGERT, Mr. CARNAHAN, and Mr. MARIO DIAZ-BALART of Florida):

H.R. 554. A bill to authorize activities for support of nanotechnology research and development, and for other purposes; to the Committee on Science and Technology.

By Mr. KUCINICH (for himself, Mr. HINCHEY, Ms. WOOLSEY, and Mr. MCGOVERN):

H.R. 555. A bill to assist States in establishing a universal prekindergarten program to ensure that all children 3, 4, and 5 years old have access to a high-quality full-day, full-calendar-year prekindergarten education; to the Committee on Education and Labor.

By Mr. FARR (for himself, Mrs. CAPPS, Mr. HINCHEY, Mr. KENNEDY, Ms. LEE of California, Mr. HONDA, and Ms. ESHOO):

H.R. 556. A bill to establish a program of research, recovery, and other activities to provide for the recovery of the southern sea otter; to the Committee on Natural Resources.

By Ms. ROS-LEHTINEN (for herself, Mr. BOEHNER, Mr. CANTOR, Mr. COHEN, Mr. PENCE, Mr. MCCOTTER, Mr. SMITH of New Jersey, Mr. BURTON of Indiana, Mr. GALLEGLY, Mr. ROHRBACHER, Mr. MANZULLO, Mr. ROYCE, Mr. BLUNT, Mr. LINCOLN DIAZ-BALART of Florida, Mrs. BLACKBURN, Mr. SAM JOHNSON of Texas, Mr. SHUSTER, Mr. GARRETT of New Jersey, Mr. BUYER, Mr. WOLF, Mr. POE of Texas, Mr. BOOZMAN, Mr. MCCAUL, Mr. BILIRAKIS, Mr. BROWN of Georgia, Mr. LAMBORN, Mrs. BACHMANN, Mr. GRAVES, Mr. MARIO DIAZ-BALART of Florida, Mr. MACK, and Mr. HALL of Texas):

H.R. 557. A bill to promote transparency, accountability, and reform within the United Nations system, and for other purposes; to the Committee on Foreign Affairs.

By Ms. ROYBAL-ALLARD (for herself, Mr. HINOJOSA, Mrs. BIGGERT, and Mr. KIND):

H.R. 558. A bill to reauthorize part D of title II of the Elementary and Secondary Education Act of 1965; to the Committee on Education and Labor.

By Ms. CLARKE (for herself, Mr. THOMPSON of Mississippi, Mr. PERLMUTTER, and Mr. KING of New York):

H.R. 559. A bill to amend the Homeland Security Act of 2002 to establish an appeal and redress process for individuals wrongly delayed or prohibited from boarding a flight, or denied a right, benefit, or privilege, and for other purposes; to the Committee on Homeland Security.

By Mr. BRADY of Texas (for himself, Mr. POE of Texas, Mr. SESSIONS, and Mr. SMITH of Texas):

H.R. 560. A bill to amend the Communications Act of 1934 to permit targeted interference with mobile radio services within prison facilities; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MARKEY of Colorado (for herself, Ms. BEAN, and Mr. HODES):

H.R. 561. A bill to amend the Internal Revenue Code of 1986 to allow a 5 year carryback of certain net operating losses, and for other purposes; to the Committee on Ways and Means.

By Mr. ABERCROMBIE (for himself, Ms. BERKLEY, Mr. BLUNT, and Mr. PUTNAM):

H.R. 562. A bill to amend the Internal Revenue Code of 1986 to restore the deduction for the travel expenses of a taxpayer's spouse who accompanies the taxpayer on business travel; to the Committee on Ways and Means.

By Mrs. BIGGERT (for herself, Mr. MCCAUL, Ms. GINNY BROWN-WAITE of Florida, Mr. EHLERS, Mr. FORTENBERRY, and Mr. KIRK):

H.R. 563. A bill to amend title XXI of the Social Security Act to require States to provide priority under the State Children's Health Insurance Program (SCHIP) to children in families with gross income below 200 percent of the Federal poverty level; to the Committee on Energy and Commerce.

By Mr. BLUMENAUER (for himself and Mr. PALLONE):

H.R. 564. A bill to amend the Internal Revenue Code of 1986 to extend the financing of the Superfund; to the Committee on Ways and Means.

By Mr. BROWN of South Carolina (for himself and Mr. BARRETT of South Carolina):

H.R. 565. A bill to prohibit the use of funds to transfer individuals detained by the United States at Naval Station, Guantanamo Bay, Cuba, to Naval Consolidated Brig, Charleston, South Carolina; to the Committee on Armed Services.

By Mr. BUCHANAN (for himself and Mr. ROGERS of Michigan):

H.R. 566. A bill to provide that rates of pay for Members of Congress shall not be adjusted under section 601(a)(2) of the Legislative Reorganization Act of 1946 in the year following any fiscal year in which outlays of the United States exceeded receipts of the United States; to the Committee on House Administration, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CALVERT (for himself and Mr. LEWIS of California):

H.R. 567. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in certain water projects in California; to the Committee on Natural Resources.

By Mr. COSTELLO (for himself, Mr. SHIMKUS, Mr. MITCHELL, and Mr. WHITFIELD):

H.R. 568. A bill to amend title 38, United States Code, to improve the quality of care provided to veterans in Department of Veterans Affairs medical facilities, to encourage highly qualified doctors to serve in hard-to-fill positions in such medical facilities, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently deter-

mined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. DAVIS of California (for herself, Mr. SKELTON, Mr. HOLT, Ms. BORDALLO, Mr. GRIJALVA, Mr. LOEBACK, Mr. HINCHEY, Ms. WOOLSEY, and Mr. SCOTT of Virginia):

H.R. 569. A bill to amend titles 28 and 10, United States Code, to allow for certiorari review of certain cases denied relief or review by the United States Court of Appeals for the Armed Forces; to the Committee on the Judiciary.

By Ms. DEGETTE (for herself, Mr. ABERCROMBIE, Ms. BALDWIN, Mr. BOUCHER, Mrs. CAPPS, Mr. CONNOLLY of Virginia, Mr. FARR, Mr. GRIJALVA, Ms. HARMAN, Mr. HINCHEY, Mr. KENNEDY, Ms. LEE of California, Mr. LOEBACK, Mrs. LOWEY, Mr. MCDERMOTT, Mr. MOORE of Kansas, Mr. MURPHY of Connecticut, Mr. NADLER of New York, Mr. ROTHMAN of New Jersey, Ms. SCHAKOWSKY, Ms. SLAUGHTER, Mr. STARK, Mr. WAXMAN, Mr. WELCH, and Ms. WOOLSEY):

H.R. 570. A bill to make certain regulations have no force or effect; to the Committee on Energy and Commerce.

By Mr. DELAHUNT:

H.R. 571. A bill to amend the Internal Revenue Code of 1986 to promote charitable donations of qualified vehicles; to the Committee on Ways and Means.

By Mr. ELLSWORTH (for himself and Mr. TOWNS):

H.R. 572. A bill to prohibit the awarding of a contract or grant in excess of the simplified acquisition threshold unless the prospective contractor or grantee certifies in writing to the agency awarding the contract or grant that the contractor or grantee has no seriously delinquent tax debts, and for other purposes; to the Committee on Oversight and Government Reform.

By Mrs. EMERSON (for herself, Mr. BERRY, Mr. MOORE of Kansas, and Mr. WAMP):

H.R. 573. A bill to amend the Federal Food, Drug, and Cosmetic Act to prohibit the marketing of authorized generic drugs; to the Committee on Energy and Commerce.

By Mr. ENGEL (for himself, Mr. TIM MURPHY of Pennsylvania, Ms. BALDWIN, and Ms. GRANGER):

H.R. 574. A bill to amend title XVIII of the Social Security Act to provide for the coverage of home infusion therapy under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GERLACH:

H.R. 575. A bill to increase the level of participation of the Small Business Administration in certain guaranteed loans for a period of one year, and for other purposes; to the Committee on Small Business.

By Ms. GIFFORDS:

H.R. 576. A bill to amend the Internal Revenue Code of 1986 to allow a refundable investment credit, and 5-year depreciation, for property used to manufacture solar energy property; to the Committee on Ways and Means.

By Mr. GENE GREEN of Texas (for himself, Mr. SULLIVAN, Mr. PASCRELL, Ms. ROS-LEHTINEN, and Mr. ENGEL):

H.R. 577. A bill to establish a grant program to provide vision care to children, and for other purposes; to the Committee on Energy and Commerce.

By Mr. HASTINGS of Florida (for himself, Mr. DINGELL, Mr. MCGOVERN,

Mr. DELAHUNT, Mr. BLUMENAUER, Mr. CROWLEY, Mr. HOLT, Ms. SCHAKOWSKY, Ms. WATERS, Ms. WATSON, Ms. WOOLSEY, Mr. COURTNEY, Ms. MOORE of Wisconsin, and Ms. MCCOLLUM):

H.R. 578. A bill to address the impending humanitarian crisis and potential security breakdown as a result of the mass influx of Iraqi refugees into neighboring countries, and the growing internally displaced population in Iraq, by increasing directed accountable assistance to these populations and their host countries, facilitating the resettlement of Iraqis at risk, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOLT (for himself, Mr. HINCHEY, Mr. GRIJALVA, Ms. LEE of California, Mrs. CAPPS, Mr. BERMAN, Ms. BORDALLO, Mr. LOEBSACK, Mr. HONDA, Mr. INSLEE, Mr. MEEKS of New York, Mr. EHLERS, Mr. SRES, Mr. VAN HOLLEN, Mr. MCGOVERN, Mr. WEXLER, Mr. MICHAUD, Mr. PALLONE, Mr. COURTNEY, Mr. GORDON of Tennessee, Mr. POLIS of Colorado, Mr. CARNAHAN, Mr. BLUMENAUER, Mr. CONNOLLY of Virginia, Mr. WU, and Ms. CLARKE):

H.R. 579. A bill to provide for grants from the Secretary of Education to State and local educational agencies for EnergySmart schools and Energy Star programs; to the Committee on Education and Labor.

By Mr. ISRAEL (for himself and Mr. INSLEE):

H.R. 580. A bill to amend the Energy Policy Act of 1992 to require the Federal Government to acquire not fewer than 100,000 plug-in hybrid vehicles; to the Committee on Oversight and Government Reform.

By Mr. LATTA (for himself, Mrs. LUMMIS, Mr. OLSON, Mr. MCCOTTER, Mr. JORDAN of Ohio, Mr. GOODLATTE, and Mr. COBLE):

H.R. 581. A bill to eliminate automatic pay adjustments for Members of Congress, and for other purposes; to the Committee on House Administration, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LEE of California:

H.R. 582. A bill to reauthorize the public and assisted housing drug elimination program of the Department of Housing and Urban Development; to the Committee on Financial Services.

By Ms. LEE of California:

H.R. 583. A bill to assist teachers and public safety officers in obtaining affordable housing; to the Committee on Financial Services.

By Ms. LEE of California:

H.R. 584. A bill to provide for coverage of hormone replacement therapy for treatment of menopausal symptoms, and for coverage of an alternative therapy for hormone replacement therapy for such symptoms, under the Medicare and Medicaid Programs, group health plans and individual health insurance coverage, and other Federal health insurance programs; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Education and Labor, Oversight and Government Reform, and Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

sions as fall within the jurisdiction of the committee concerned.

By Ms. LEE of California (for herself, Mr. STARK, Mr. KUCINICH, Mr. GRIJALVA, Mr. CONYERS, and Mr. RUSH):

H.R. 585. A bill to direct the President to enter into an arrangement with the National Academy of Sciences to evaluate certain Federal rules and regulations for potentially harmful impacts on public health, air quality, water quality, plant and animal wildlife, global climate, or the environment; and to direct Federal departments and agencies to create plans to reverse those impacts that are determined to be harmful by the National Academy of Sciences; to the Committee on Science and Technology, and in addition to the Committees on Transportation and Infrastructure, Natural Resources, Agriculture, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MCCARTHY of New York (for herself and Mr. LEWIS of Georgia):

H.R. 586. A bill to direct the Librarian of Congress and the Secretary of the Smithsonian Institution to carry out a joint project at the Library of Congress and the National Museum of African American History and Culture to collect video and audio recordings of personal histories and testimonials of individuals who participated in the Civil Rights movement, and for other purposes; to the Committee on House Administration.

By Mr. GARY G. MILLER of California:

H.R. 587. A bill to increase the loan limits for the FHA single family housing mortgage insurance programs and reverse mortgage program and for the conforming loan limits for Fannie Mae and Freddie Mac during 2009; to the Committee on Financial Services.

By Mrs. MYRICK:

H.R. 588. A bill to amend the Immigration and Nationality Act to increase penalties for employing illegal aliens; to the Committee on the Judiciary.

By Mrs. MYRICK:

H.R. 589. A bill to establish procedures for the issuance by the Commissioner of Social Security of "no match" letters to employers, and for the notification of the Secretary of Homeland Security regarding such letters; to the Committee on Ways and Means.

By Mr. PETRI (for himself and Mr. CONAWAY):

H.R. 590. A bill to amend the Internal Revenue Code of 1986 to provide that reimbursements for costs of using passenger automobiles for charitable and other organizations are excluded from gross income; to the Committee on Ways and Means.

By Mr. PRICE of North Carolina (for himself, Mr. HOLT, Mr. HINCHEY, Ms. SCHAKOWSKY, Mr. BLUMENAUER, Mr. MILLER of North Carolina, Mr. WATT, Mr. MCGOVERN, Mr. OLVER, Ms. DELAURIO, and Mr. LARSON of Connecticut):

H.R. 591. A bill to improve United States capabilities for gathering human intelligence through the effective interrogation and detention of terrorist suspects and for bringing terrorists to justice through effective prosecution in accordance with the principles and values set forth in the Constitution and other laws; to the Committee on Armed Services, and in addition to the Committees on the Judiciary, Foreign Affairs, and Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SCHWARTZ (for herself and Mr. BECERRA):

H.R. 592. A bill to amend title XIX of the Social Security Act to encourage the use of certified health information technology by providers in the Medicaid Program and the Children's Health Insurance Program, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SMITH of Washington (for himself, Mr. GRIJALVA, Ms. SHEA-PORTER, Mr. ELLISON, Mr. WALZ, Mr. MITCHELL, Ms. ROS-LEHTINEN, Ms. EDWARDS of Maryland, Mr. PETERSON, Mr. ROHRBACHER, Mr. HINCHEY, Mr. COURTNEY, Mr. GORDON of Tennessee, Mr. ROSS, Mr. MCGOVERN, Mr. NYE, Mr. HALL of New York, Mr. KAGEN, Mr. MICHAUD, Ms. TSONGAS, and Mr. YOUNG of Alaska):

H.R. 593. A bill to amend title 10, United States Code, to expand the authorized concurrent receipt of disability severance pay from the Department of Defense and compensation for the same disability under any law administered by the Department of Veterans Affairs to cover all veterans who have a combat-related disability, as defined under section 1413a of such title; to the Committee on Armed Services.

By Mr. STARK (for himself and Mr. MCDERMOTT):

H.R. 594. A bill to amend the Internal Revenue Code of 1986 to reduce emissions of carbon dioxide by imposing a tax on primary fossil fuels based on their carbon content; to the Committee on Ways and Means.

By Mr. VISCLOSKEY (for himself, Ms. SUTTON, Mrs. KILPATRICK of Michigan, Ms. KAPTUR, Mr. WILSON of Ohio, Mr. TIM MURPHY of Pennsylvania, Mr. MURTHA, Mr. DOYLE, Mr. HOLDEN, Mr. COSTELLO, Mr. LIPINSKI, Mr. STUPAK, Mr. GENE GREEN of Texas, Mr. ALTMIRE, Mr. CARNEY, Mr. GERLACH, Mr. MICHAUD, Mrs. DAHLKEMPER, Mr. HARE, Mr. KAGEN, Mr. SPACE, Mrs. CAPITO, Mr. PETERS, Mr. MCGOVERN, Mr. MASSA, Mr. MANZULLO, Mr. BRADY of Pennsylvania, Mr. WILSON of South Carolina, and Mr. UPTON):

H.R. 595. A bill to require certain Federal agencies to use iron and steel produced in the United States in carrying out projects for the construction, alteration, or repair of a public building or public work, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Homeland Security, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WEINER:

H.R. 596. A bill to amend the Food and Nutrition Act of 2008 to reduce hunger, and for other purposes; to the Committee on Agriculture.

By Ms. WOOLSEY (for herself, Mr. LOEBSACK, and Mr. SARBANES):

H.R. 597. A bill to amend the Elementary and Secondary Education Act of 1965 to provide grants for core curriculum development; to the Committee on Education and Labor.

By Mr. RAHALL (for himself, Mr. MARKEY of Massachusetts, Mr. GEORGE MILLER of California, Mr. DEFAZIO, Mr. HINCHEY, Mrs. CAPPS, Mr. INSLEE, Mr. HOLT, Mr. GRIJALVA, Mr. DINGELL, Mr. DICKS, Mr. FARR, and Mr. BLUMENAUER):

H.J. Res. 18. A joint resolution providing for congressional disapproval of the rule submitted by the Department of the Interior and the Department of Commerce under chapter 8 of title 5, United States Code, relating to interagency cooperation under the Endangered Species Act of 1973; to the Committee on Natural Resources.

By Mr. GINGREY of Georgia:

H.J. Res. 19. A joint resolution relating to the disapproval of obligations under the Emergency Economic Stabilization Act of 2008; to the Committee on Financial Services.

By Ms. ROS-LEHTINEN (for herself, Mr. BURTON of Indiana, and Mr. MACK):

H. Con. Res. 22. Concurrent resolution establishing the Joint Select Committee on Reorganization and Reform of Foreign Assistance Agencies and Programs; to the Committee on Rules.

By Ms. LEE of California:

H. Con. Res. 23. Concurrent resolution expressing the sense of the Congress that the tax giveaway since 2001 to the wealthiest 5 percent of Americans should be repealed and those monies instead invested in vital programs to relieve the growing burden on the working poor and to alleviate poverty in America; to the Committee on Ways and Means.

By Mr. KUCINICH (for himself, Mr. CONYERS, Mr. ELLISON, Mr. HINCHEY, Ms. KAPTUR, Mr. McDERMOTT, Mr. RAHALL, Ms. WATSON, and Ms. WOOLSEY):

H. Res. 66. A resolution expressing the sense of the House of Representatives concerning the humanitarian crisis in Gaza; to the Committee on Foreign Affairs.

By Mr. DREIER (for himself, Mr. SCHIFF, Mr. HINCHEY, Mr. WU, Mr. ROHRBACHER, Mr. CULBERSON, and Mr. CALVERT):

H. Res. 67. A resolution recognizing and commending the National Aeronautics and Space Administration (NASA), the Jet Propulsion Laboratory (JPL), and Cornell University for the success of the Mars Exploration Rovers, Spirit and Opportunity, on the 5th anniversary of the Rovers' successful landing; to the Committee on Science and Technology.

By Mr. ABERCROMBIE (for himself, Mr. MATHESON, Mr. SIMPSON, and Mr. WESTMORELAND):

H. Res. 68. A resolution supports the establishment of an NCAA Division I Football Bowl Subdivision Championship playoff system in the interest of fairness and to bring parity to all NCAA teams; to the Committee on the Judiciary, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BACA (for himself, Mr. REYES, Mr. ORTIZ, Mr. SERRANO, Mrs. NAPOLITANO, Mr. COSTA, Mr. GONZALEZ, Ms. BERKLEY, Mr. GRIJALVA, Mr. HINOJOSA, Mr. GUTIERREZ, Mr. FOSTER, Mr. SIRE, Ms. JACKSON-LEE of Texas, Ms. WATERS, and Ms. LINDA T. SANCHEZ of California):

H. Res. 69. A resolution recognizing the need to continue research into the causes, treatment, education, and an eventual cure for diabetes, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BILIRAKIS:

H. Res. 70. A resolution congratulating Anthony Kevin "Tony" Dungy for his accom-

plishments as a coach, father, and exemplary member of his community; to the Committee on Oversight and Government Reform.

By Mr. KINGSTON (for himself, Mr. BISHOP of Georgia, Mr. MARSHALL, Mr. JOHNSON of Georgia, Mr. LEWIS of Georgia, Mr. PRICE of Georgia, Mr. LINDER, Mr. WESTMORELAND, Mr. BROUN of Georgia, Mr. DEAL of Georgia, Mr. GINGREY of Georgia, Mr. BARROW, and Mr. SCOTT of Georgia):

H. Res. 71. A resolution acknowledging the lifelong service of Griffin Boyette Bell to the State of Georgia and the United States as a legal icon; to the Committee on the Judiciary.

By Ms. LEE of California (for herself, Mr. LEWIS of Georgia, Mr. FILNER, Mr. GRIJALVA, Ms. WOOLSEY, Ms. JACKSON-LEE of Texas, and Mr. STARK):

H. Res. 72. A resolution expressing the sense of the House of Representatives that absent congressional approval the Agreement Between the United States of America and the Republic of Iraq on the Withdrawal of United States Forces from Iraq and the Organization of Their Activities During Their Temporary Presence in Iraq is merely advisory and not legally binding on the United States, and for other purposes; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 16: Mr. HASTINGS of Washington.

H.R. 21: Ms. WOOLSEY, Mr. STARK, Mr. LEWIS of Georgia, and Mr. HONDA.

H.R. 31: Mr. FILNER, Mr. SMITH of New Jersey, Mr. FATTAH, Mrs. MCCARTHY of New York, Mr. CAPUANO, Mr. DOGGETT, Ms. SCHAKOWSKY, Mr. GEORGE MILLER of California, and Ms. NORTON.

H.R. 43: Mr. MURTHA, Mr. BOUCHER, Mr. ENGEL, Ms. SCHWARTZ, Mr. SMITH of New Jersey, Mr. LATHAM, Mr. GRAVES, Mr. WU, Mr. HELLER, Mr. PLATTS, Mr. WITTMAN, Mr. GOODLATTE, and Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 74: Mr. BILBRAY, Mr. BURTON of Indiana, and Mr. GALLEGLY.

H.R. 99: Mr. DENT.

H.R. 101: Mr. MANZULLO.

H.R. 102: Mr. GARY G. MILLER of California.

H.R. 104: Mr. HINCHEY, Mr. GRIJALVA, and Mr. ELLISON.

H.R. 124: Mr. JORDAN of Ohio, and Ms. GINNY BROWN-WAITE of Florida.

H.R. 131: Mr. BURTON of Indiana.

H.R. 135: Mr. GOODLATTE.

H.R. 138: Ms. GINNY BROWN-WAITE of Florida.

H.R. 144: Mr. FILNER.

H.R. 152: Mr. WILSON of Ohio, Ms. EDWARDS of Maryland, Mr. CARNAHAN, and Mr. BISHOP of New York.

H.R. 206: Mr. WESTMORELAND, Mr. MCCOTTER, and Mr. ROGERS of Alabama.

H.R. 213: Mr. PAUL, Mr. BARTLETT, Mr. YOUNG of Alaska, Mr. TIAHRT, Mrs. SCHMIDT,

Mr. BLUNT, Mr. JONES, Mr. AKIN, Mr. JOHN-SON of Illinois, Mr. ADLER of New Jersey, Mrs. BACHMANN, Mr. MACK, Mr. ROGERS of Kentucky, Mr. GARRETT of New Jersey, Mrs. MCCARTHY of New York, Mrs. McMORRIS RODGERS, Mrs. BLACKBURN, Mr. HOEKSTRA, Mr. CARNEY, Mr. CALVERT, Mr. BURGESS, Mr. WEXLER, Mr. BURTON of Indiana, Mr. BOOZMAN, Mr. McHENRY, Ms. ZOE LOFGREN of California, Mr. LATHAM, Mr. KLINE of Minnesota, Mr. GINGREY of Georgia, Mr. COLE, Mr. BROWN of South Carolina, Mr. CONAWAY, Mr. BROUN of Georgia, Mr. WESTMORELAND, Mr. FLEMING, Mrs. LUMMIS, Mr. THOMPSON of Pennsylvania, Mr. SHADEGG, Mr. ISSA, Mr. BONNER, Mr. GOHMERT, Mr. CHAFFETZ, Mr. POMEROY, Mr. WOLF, Ms. FALLIN, Mr. HARPER, Mr. PENCE, and Mr. MARCHANT.

H.R. 214: Mr. DUNCAN.

H.R. 226: Ms. JENKINS, Mr. ROE of Tennessee, and Mr. YARMUTH.

H.R. 233: Ms. HERSETH SANDLIN.

H. R. 235: Mr. ROGERS of Alabama, Mr. FRELINGHUYSEN, Mr. ROGERS of Kentucky, Mr. YARMUTH, Mr. STUPAK, Ms. RICHARDSON, Mr. LATOURETTE, Mr. LIPINSKI, Mr. PASCRELL, Ms. LORETTA SANCHEZ of California, and Mr. NADLER of New York.

H.R. 362: Mr. CARNEY.

H.R. 385: Mr. ROGERS of Michigan.

H.R. 388: Ms. BORDALLO.

H.R. 393: Mrs. BLACKBURN.

H.R. 406: Mr. GEORGE MILLER of California, Mr. BRADY of Pennsylvania, Mr. CALVERT, Mr. LEWIS of Georgia, Ms. SUTTON, Mrs. DAVIS of California, and Ms. RICHARDSON.

H.R. 430: Mr. ISSA and Mr. WITTMAN.

H.R. 433: Mr. ALTMIRE.

H.R. 444: Ms. BALDWIN and Mr. FILNER.

H.R. 460: Mr. VAN HOLLEN, Mr. KENNEDY, Mr. RUSH, and Mrs. MALONEY.

H.R. 470: Mrs. BACHMANN, Mrs. BLACKBURN, Mr. LAMBORN, Mr. MARCHANT, Mrs. MYRICK, Mr. MACK, Mr. AKIN, Mrs. LUMMIS, Mr. WILSON of South Carolina, Mr. GINGREY of Georgia, Mr. FLAKE, Mr. CHAFFETZ, Mr. PENCE, Mr. MANZULLO, Mr. MCCAUL, Ms. FOXX, Mr. KLINE of Minnesota, Mr. SCALISE, Mr. BARTLETT, Mr. PITTS, Mr. HARPER, Ms. FALLIN, Mr. GOHMERT, Mr. Luetkemeyer, Mr. BURTON of Indiana, Mr. KINGSTON, Mr. BROUN of Georgia, Mr. COFFMAN of Colorado, Mr. WITTMAN, Mr. FORBES, and Mr. SESSIONS.

H.R. 482: Mr. ROHRBACHER and Mrs. CAPITO.

H.R. 483: Mr. MCHUGH and Mr. GENE GREEN of Texas.

H.R. 507: Mr. LINDER and Mr. DAVIS of Kentucky.

H.R. 542: Mr. CALVERT.

H.J. Res. 3: Mr. ADERHOLT, Mr. GOODLATTE, and Mr. SESSIONS.

H. Res. 18: Mrs. GILLIBRAND and Mrs. MALONEY.

H. Res. 31: Ms. SCHAKOWSKY, Mr. BOUCHER, Ms. CORRINE BROWN of Florida, and Ms. DEGETTE.

H. Res. 36: Mrs. LUMMIS, Mr. MCMAHON, Mr. CASSIDY, Mr. FOSTER, and Mr. HARE.

H. Res. 42: Mr. GALLEGLY, Mr. BOOZMAN, and Mr. MCCOTTER.

H. Res. 47: Mr. ELLSWORTH.